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Letter dated 8 October 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, and in accordance with paragraph 10 of Security Council resolution 1782 (2007), I have the honour to transmit herewith the report of the Group of Experts on Côte d'Ivoire (see annex).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Jan **Grauls**
Chairman
Security Council Committee established pursuant to
resolution 1572 (2004) concerning Côte d'Ivoire

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Annex

Letter dated 15 September 2008 from the Group of Experts on Côte d'Ivoire to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004)

The members of the Group of Experts on Côte d'Ivoire have the honour to transmit herewith the final report of the Group prepared in accordance with paragraph 10 of Security Council resolution 1782 (2007).

(*Signed*) Grégoire **Bafouatika**

(*Signed*) Agim **de Bruycker**

(*Signed*) Claudio **Gramizzi**

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Abbreviations

ASECNA	Agency for the Safety of Air Navigation in Africa and Madagascar
BCEAO	Central Bank of West African States
BFA	Banque pour le financement de l'agriculture
BNI	Banque nationale d'investissement
CFA	African Financial Community
CFAF	CFA francs
FAFN	Armed Forces of the Forces nouvelles
FANCI	Armed Forces of Côte d'Ivoire
FDPCC	Fonds de développement et de promotion des activités des producteurs de café et de cacao
FDS-CI	Defence and Security Forces of Côte d'Ivoire
FDS-FN	Defence and security forces of the Forces nouvelles
GDP	gross domestic product
IMF	International Monetary Fund
SGBB	Société Générale des Banques au Burkina
SODEXAM	Airport, Aeronautical and Meteorological Management and Development Corporation
SNEPCI	Société nouvelle de presse et d'édition de Côte d'Ivoire
UNOCI	United Nations Operation in Côte d'Ivoire

I. Introduction

1. The Group of Experts was appointed by the Secretary-General on 29 November 2007, pursuant to Security Council resolution 1782 (2007), and commenced its mission on 20 January 2008. The present document represents the final report of the Group, provided in accordance with paragraph 10 of resolution 1782 (2007). The information contained herein covers the activities of the Group since its midterm report of 14 April 2008 (S/2008/235). The Group continued its work on the basis of possible avenues of investigation and maintained regular interaction with relevant Member States, government authorities in Côte d'Ivoire, representatives of the Forces nouvelles, the local population, UNOCI and Licorne. During the term of its mandate, the Group visited relevant authorities, private companies and individuals in Belgium, Burkina Faso, Canada, France, Ghana, Guinea, Guinea-Bissau, Israel, Liberia, Mali, South Africa, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland. The Group maintained a continuous presence in Côte d'Ivoire and travelled extensively throughout the country, including areas bordering Burkina Faso, Ghana, Guinea, Liberia and Mali. These visits significantly contributed to the Group's ability to gain a first-hand assessment of the situation in the country.

II. Investigation methodology

2. Throughout its investigations, the Group of Experts relied on verified documentary evidence to support its findings. Where this was not possible, the Group required at least two independent credible sources to substantiate its findings.

3. The Group conducted investigations in a number of areas to determine whether violations of Security Council sanctions had actually taken place. Allegations of possible violations made by States, individuals and companies were brought to the attention of those concerned to give them an opportunity to respond.

4. The Group wishes to point out that a number of investigations remain inconclusive owing to a variety of factors, including the lack of response or the receipt of incomplete responses from Member States, as well as the failure of government ministries, institutions or individuals to cooperate to the fullest extent possible with the Group of Experts.

III. Cooperation with stakeholders

5. In accordance with Security Council resolution 1782 (2007), the Group exchanged information on the measures taken to monitor the sanctions regime with UNOCI, the French military contingent Licorne and the Kimberley Process. In addition, the Group liaised with the Panel of Experts on Liberia, reappointed pursuant to resolution 1792 (2007), particularly on matters concerning cross-border arms trafficking, the presence of foreign combatants on Ivorian soil and diamonds. The experts of both groups met in Monrovia for discussions at the beginning of March 2008 and in Abidjan early in September 2008.

6. In general, meetings between the Group and various Ivorian authorities were conducted in a cordial atmosphere. Nevertheless, the Group observed that the

requisite information was not always readily forthcoming from Ivorian customs and the Ministries of Economy and Finance, Defence and the Interior.

7. While the Group received full cooperation from some Member States during its visits, it experienced reluctant cooperation or refusals to share information pertinent to its investigations from other Member States. Along these lines, none of the neighbouring States clearly articulated to the Group the details of the measures taken to implement the sanctions as required in relevant resolutions.

8. Overall, the investigations of the Group were sometimes hampered by the lack of responses from Member States and relevant private individuals and entities to whom requests for information were addressed. There was often reluctance on the part of certain private companies, banking institutions and State institutions investigating financial crimes to share information with the Group, despite the Group's assurances of confidentiality.

List of Member States, international agencies and private companies which did not respond to the Group's requests for information

Angola: Government/Permanent Mission to the United Nations

Belgium: Government/Permanent Mission to the United Nations, Brussels Airlines

Burkina Faso: Government/Permanent Mission to the United Nations

Côte d'Ivoire: Ministry of Economy and Finances, Ministry of Defence, Ministry of Security, Ministry of Agriculture, Ministry of Justice, General Directorate of Customs, General Directorate of Taxes, Forces nouvelles, SNEPCI, Union of Industrial Producers of Timber in Côte d'Ivoire, BFA

France: Government/Permanent Mission to the United Nations, Air France, Editions Ramsay

Italy: Government/Permanent Mission to the United Nations

Ghana: Government/Permanent Mission to the United Nations

Guinea: Government/Permanent Mission to the United Nations

Liberia: Government/Permanent Mission to the United Nations, Ministry of Justice

Mali: Government/Permanent Mission to the United Nations, General Directorate of Customs, Embassy in Côte d'Ivoire

Morocco: Royal Air Maroc

Russian Federation: Embassy in Côte d'Ivoire

United States of America: Embassy in Côte d'Ivoire

International institutions: Commission of the Economic Community of West African States, Sub-Regional Bureau for Central and Western Africa of the International Police Organization, BCEAO, World Bank

IV. The situation in Côte d'Ivoire

9. While political stability has been evident there are concerns that the results of the elections scheduled for 30 November 2008 could have a significant effect on

future progress in the peace process and long-term stability. While the presidential elections to be held at the end of November 2008 are eagerly anticipated, there are some elements of scepticism in the public arising primarily from a perception that there has been an insufficient identification and registration of voters.

10. The Group has noted the downgrading of the level of United Nations security readiness from phase III to phase II in certain areas of Côte d'Ivoire (not phase I as reported in April 2008 in paragraph 5 of the Secretary-General's report on UNOCI, S/2008/250) as a general signal of the improvement of safety. At the same time, the Group also takes note of some unresolved issues surrounding the forthcoming elections which have the potential to make the situation volatile. As the political campaigns progress towards the election date, there is the possibility that isolated episodes could still hamper the peace process as a whole.

11. The Group remains of the view that such potential security threats persist because two basic conditions remain unfulfilled. The first is the integral execution of the programme to disarm combatants and dismantle militias, as provided for in article 3.2 of the Ouagadougou Political Agreement (S/2007/144). The Group regrets that no progress has been made in this respect. The second is redeployment of the Government administration to the zones controlled by the Forces nouvelles, together with the restoration of the Government's authority over all its troops. While there has been an attempt to reintroduce Government authorities into the territories under the administrative control of the Forces nouvelles, such efforts, in the opinion of the Group, have been unsuccessful as clearly demonstrated by the ineffective presence of Ivorian Customs on the northern border with Burkina Faso, which will be expanded upon later in the report.

V. Embargo inspections

A. Customs perspective

12. As part of its methodology the Group conducted an analysis of the operations of the UNOCI embargo cell with a view to evaluating the effectiveness of the inspections mechanism from a customs perspective. As a result, the Group makes the following observations. Given the importance assigned by the relevant Security Council resolutions to embargo inspections, and notwithstanding the cooperation of Member States, the Group is of the sincere view that the best way to enforce the sanctions regime is through a focused interdiction of any potential sanctions-related goods at the time of importation. The embargo cell is currently limited in its ability to respond to customs importation matters because only one customs officer is employed as a consultant in the embargo cell. The Group further is of the view that the embargo cell would benefit significantly from the addition of a dedicated international team of customs officers to undertake the task of targeting importations and performing inspections at the points of entry.

13. The Group believes that such an opportunity was presented to UNOCI in the offer, in September 2007, by Ivorian Customs to form a joint inspection team. The Group believes that there should be an effort on the part of UNOCI to communicate information specific to a wider range of embargoed goods, especially those goods which have a potential dual use in a military environment, both to the embargo staff performing the inspections as well as to Ivorian Customs. This objective can be

further advanced through the establishment of the joint "special monitoring unit". Efforts to follow the movement of sanctioned goods after they have been imported are ineffective and labour-intensive. The current monitoring of imported goods is not being performed in the most effective manner.

14. While information from the cargo manifests is useful, complete reliance by the embargo cell on the cargo shipping manifests is misplaced. More focus should be placed on the Ivorian Customs clearance documentation ensuring that the goods are still available for physical inspections. The Group examined in detail the scope of training given to the embargo cell staff. The Group notes that UNOCI has organized a number of training sessions for embargo cell staff in an effort to bring a focused sensitivity related to military goods under sanction, but not necessarily to non-military goods which may have a military use or application. These may range from protective bullet-proof clothing, aircraft parts and radio equipment to marine craft, optics, civilian radar and other goods, all of which would require follow-up to determine the identity of the end-users. This training is delivered to the personnel after they have been deployed to the field and not upon their arrival in country. The Group believes that this training is better received upon arrival and prior to deployment to the field. The Group takes note of and appreciates the efforts of the embargo cell Customs consultant to expand the knowledge base of the military in the area of Harmonized System classification coding.

15. Embargo cell inspections in Abidjan on shipments deemed to be suspicious are assigned to five UNOCI military/Police personnel and are performed in the airport environment on suspicious flights. No routine or random inspections are performed on general cargo imported by established air carriers. The Group visited the Ivorian port of San Pedro and noted that the activity in the port was limited to the export of timber and cacao, while imports of consumables make up less than 10 per cent of the statistics. The embargo cell only performs bimonthly inspections on goods within the customs environment in San Pedro and limits its activity in the port of Abidjan to the performance of patrols.

16. The Group concludes that, with respect to the current activities of the embargo cell, no substantive inspections are conducted within the customs environment. Weekly patrols are made within the port of Abidjan merely to show a UNOCI presence. The methodology to select suspicious shipments for inspection is flawed insofar as documents reviewed, which are used to assign a level of risk to the shipments to be targeted for inspection, are not received in a timely manner and are inaccurate. This targeting exercise takes place after the goods have been released from customs control and are no longer available for inspection, and as a result, no inspection takes place. The embargo controls can be easily circumvented by determined individuals or companies. The Group is, however, again encouraged by the willingness on the part of the UNOCI leadership to consider and implement steps to improve sanctions control.

B. Weapons perspective

17. Despite the efforts undertaken by UNOCI and the reinforcement of the capacities of the embargo cell through the creation of an integrated structure, the effectiveness of the inspections remains limited, primarily because of its modus operandi. The list of scheduled inspections is still communicated to the Ivorian

military authorities (FDS-CI and FDS-FN) with a delay of between 72 hours and six days, and no attempts to conduct unannounced inspections have been recorded in 2008. In addition, inspections are exclusively conducted at military and police facilities; such a selection of sites seems quite inaccurate, especially in the areas administered by Forces nouvelles, where the number of weapons presented to the UNOCI units in the course of the embargo inspections is insufficient given the fact that additional weapons are found in possession of Forces nouvelles personnel patrolling the streets. The inspection reports also show that a significant percentage of the weapons presented for inspection are not operational.

18. From January to August 2008, only three denials for inspections were recorded out of a total of 572. All of these denials were issued by the Armed Forces of Côte d'Ivoire (FANCI) and two of them apply to sites considered to be part of the "presidential perimeter". An inspection was scheduled at the National Gendarmerie company in Ouragahio, near the town of Gagnoa, on 20 August 2008. The previous inspection scheduled in the very same site on 6 June 2008, was allowed and recorded by UNOCI as successful. It is noteworthy to mention that on 20 August 2008, the inspection was first authorized by FANCI and subsequently denied only upon arrival of the UNOCI inspection unit. The reason given by FANCI for the denial was that the prior authorization had been given "by mistake", as this site should now be considered as part of the "presidential perimeter". The Group concludes that there is a potential effort on the part of FANCI to expand presidential perimeters, thereby denying inspections.

19. The Group remains of the view that the very low ratio of denials and the supposed improvement in terms of the response by Ivorian military authorities should be considered cautiously. No spontaneous inspection has been conducted and no inspection of sensitive sites such as those belonging to the "presidential perimeter" has been scheduled by UNOCI since the end of January 2008. As such, denials of access would not be recorded. The Group understood from UNOCI that inspections of Presidential Guard sites have been rescheduled subsequent to the publication of the Group's midterm report (S/2008/235). Nevertheless, the Group notes that beyond the exercise of scheduling, no actual inspections have been conducted.

20. The Group also notes that the statistics published by UNOCI on inspections do not properly reflect the state of the monitoring of the embargo. The rationale which contributes to the definition of "successful inspections" is (a) that such inspections are permitted access and (b) that the operations are undertaken without any expression of hostility. No further qualitative consideration of the state or the quantities of the equipment presented to the inspecting unit is taken into account, and no mention other than "successful" or "denied" is used to define the result of the inspections.

21. The redeployment of military equipment as a result of the implementation of the Ouagadougou Political Agreement and the dismantlement of the so-called green line reduced the ability of UNOCI to properly monitor and control the position and possible movement of military equipment held by the two military forces (FDS-CI and FDS-FN). The absence of comprehensive and detailed inventories of such equipment, despite several requests addressed to concerned Ivorian parties by UNOCI, represents an additional difficulty in such an exercise. The lack of a timely response from the UNOCI embargo cell in scheduling and conducting follow-up

inspections at the new location of the equipment, whenever discrepancies are observed in terms of the quantities, further reduces the possibility of maintaining a reliable record of the military material available in the country and preventing possible violations of the embargo.

22. The Group expresses its concern over the fact that no standard procedures appear to have been established throughout UNOCI to ensure that the information collected by the military or the police with respect to possible embargo violations is conveyed to the UNOCI headquarters and the embargo cell and shared with all other relevant sections. It is regrettable that the Group, during its mission in Côte d'Ivoire, had to undertake its own initiative to pursue information which is the fundamental responsibility of UNOCI. On several occasions information relevant to the embargo cell mandate was not acted upon or appropriately shared with the embargo cell until it was raised by the Group.

VI. Customs

A. General comments

23. Since the presentation of its midterm report (S/2005/235), the Group has continued to interact on a regular basis with the Ivorian Customs authorities, focusing on the level of controls exercised on imports, exports and transhipments and the measures put in place for detecting violations of the sanctions regime. In addition, there has been a focus on the activities of the embargo cell to assess their effectiveness in the application of the measures associated with the sanctions regime specifically in the customs environment.

24. In order to investigate the nature of the goods being imported and assess the associated risks, the Group had requested in June, from Ivorian Customs, information which is specific to goods subject to the sanctions embargo. The Group has requested a complete list of imports into Côte d'Ivoire for selected Harmonized System tariff classifications which may relate to goods prohibited for importation under the sanctions regime. The Group received the requested data on 27 August 2008 and has subsequently requested additional information on specific import transactions which has not yet been received.

25. The midterm report (S/2008/235) included a section which highlighted certain weaknesses in Ivorian Customs controls owing primarily to the geographic division of the country and other demographic factors. The lack of national Ivorian Customs staff on the northern borders with surrounding countries, which are under the control of the Forces nouvelles, remains a particular concern and a fundamental reason for a deficient level of control on imports, exports and transit goods.

26. In its midterm report, the Group recommended specific actions to be taken to improve the sanctions monitoring. Further to those recommendations, the Security Council Committee established pursuant to resolution 1572 (2004) (hereafter referred to as the Committee) requested UNOCI to take the necessary steps to ask the Ivorian Customs authorities to sensitize Ivorian Customs inspection staff to information specific to embargoed goods. The Group notes that UNOCI has written to Ivorian Customs in this regard and asked the Customs authorities to take sufficient measures to ensure that Customs staff are aware of their responsibilities to

enforce the sanctions on the part of the Government. The Group met with Ivorian Customs and is of the view that that the Customs administration has a very poor understanding of the scope of the sanctions. The Customs management has not, as of 27 August 2008, issued any specific memorandum to its staff or any public notice to importers and exporters in order to ensure sufficient sensitization with respect to the sanctions. Ivorian Customs is of the belief that it should be furnished with a list of sanctioned goods and is unwilling to itself interpret resolution 1572 (2004) as it is written. Consequently, the Group opines that UNOCI has not sufficiently sensitized Ivorian Customs.

27. Following the Group's recommendation originally contained in its October 2007 report (S/2007/611), and reiterated in its midterm report (S/2008/235), the Committee requested that UNOCI accept the offer to establish a "specific monitoring unit" comprised of Ivorian Customs and the UNOCI embargo cell. The Group determined that UNOCI communicated with Ivorian Customs in this regard on 28 July 2008. The Group believes that the spirit and intent of this monitoring unit would be to establish an integrated embargo inspection unit comprised of UNOCI staff and Ivorian Customs. The establishment of this unit would contribute significantly to the sensitization exercise and facilitate embargo cell monitoring in a cooperative manner focusing on imports, transits and container X-ray scanning of high-risk shipments. The Group regrets that owing to the absence of a response from the Ivorian Customs no significant progress has been made to establish this monitoring unit. Given that the original offer was made by the Ivorian Customs Director-General to UNOCI in September 2007, the inaction and delay on the part of UNOCI to accept the offer may be a factor in not receiving any reaction from the current Ivorian Customs authorities.

B. Transit cargo

28. Transit movements in Côte d'Ivoire currently exist for goods moving from the south to the north and vice versa. Cargo intended for transit through Côte d'Ivoire enters both by sea from other continents and by land from neighbouring countries. It should be noted that the Ivorian Customs prohibits transits through Côte d'Ivoire to Ghana, Guinea and Liberia without special authorizations. Goods originating in neighbouring countries such as Mali, Burkina Faso and Niger will pass first through the territories under the administrative control of the Forces nouvelles and then transit through Côte d'Ivoire for export. Conversely, goods entering by sea from other countries at both Abidjan and San Pedro and intended for the surrounding countries of Mali, Burkina Faso and Niger will pass through Côte d'Ivoire, including Forces nouvelles-controlled territories. Prior to 2002, transit movements were escorted by the Ivorian Customs. Since the onset of the crisis, escorts have been suspended and transit movements were at first considered to be prohibited. Since then the Ivorian Customs has subrogated the responsibility of escort movements through the administrative territories controlled by the Forces nouvelles to the Ivorian Office of Cargo Loaders, which is a non-governmental body without statutory powers of enforcement. Both scenarios hold equal potential risk for diversion. In the absence of Government Customs personnel in the territory administrated by the Forces nouvelles, the Group suggested that the associated risks could be mitigated if both the Ivorian Government and UNOCI adopted special

monitoring procedures specific to transit cargo for adjacent countries and maximized the utilization of the X-ray container scanner at the port of Abidjan.

29. The Group notes that while the Committee, pursuant to the recommendation contained in the Group's midterm report (S/2008/235), requested UNOCI to implement procedures to utilize the scanner for transit traffic by road, at the time of writing of this report, no significant progress has been made. Transit shipments by rail avoid control by the Forces nouvelles and deliveries are therefore more timely and reliable and likely less costly, as they avoid the "escort fees" imposed by the Forces nouvelles. As such, X-ray scanning of the road transit traffic is considered to be easily manageable, especially in light of the underutilization of the scanner. At the time of writing, the X-ray scanning of transit cargo is not being done. Without such a scanning procedure, transit cargo remains uninspected by the Ivorian Customs upon arrival in Côte d'Ivoire and continues to pose a risk for diversion to domestic use within Forces nouvelles territory, with commensurate loss of customs revenue to the Government. Due to the fact that goods imported for transit through Côte d'Ivoire are not currently inspected in any way, the potential importation and diversion of sanctioned cargo continues to pose a great risk.

30. The Group spoke with the Director-General of the Ivorian Customs and those authorities in charge of transits and acquittals and noted their lack of confidence in the security of the current transit system. The process of facilitating the transit of goods through Côte d'Ivoire requires that a surety bond, payable to the Ivorian Customs, be given by the clearing agent prior to the movement of the transit goods. The amount of this bond is intended to reflect the duties and taxes which might apply in order to mitigate the potential risk of revenue loss in case the goods are not exported. If the goods are exported, the bond is released. Ivorian Customs advised the Group that transit shipments are routinely undervalued in order to lessen the amount of the surety bonds to be posted. These bonds are redeemed by Ivorian Customs in the event that no proof of export is given. Considering the lack of information on the part of Ivorian Customs with respect to proof of export, the level of forfeiture of the bonds is high. The Group asked Ivorian Customs if it would accept, as proof of export, copies of the entry documents into the intended country of import. Ivorian Customs agreed that this would be sufficient proof, albeit adding that clearing agents refuse to provide Customs with this evidence and are content to forfeit the bonds primarily because they are low in value.

31. The Group reviewed the transit statistics for 2007, which were provided by Ivorian Customs. Approximately 95 per cent of all transits are made to Burkina Faso and Mali. The analysis focused on a small sampling of transit shipments of military-related goods (military uniforms/protective clothing) destined to Burkina Faso. Ivorian Customs is routinely unable to confirm the export of these and any other shipments from Côte d'Ivoire. During the Group's visit to Burkina Faso, evidence was obtained confirming that the goods included in the targeted sample did arrive in Burkina Faso. The Group has not received elements from the Custom Authority in Mali, despite a written request for information on transit procedures addressed at the end of February 2008, several reminders and personal contacts in Bamako. Irrespective of these results and in view of the current procedures implemented by Ivorian Customs, the Group remains of the opinion that the transit of goods through Côte d'Ivoire poses a significant risk.

32. In evaluating the transit system utilized by Ivorian Customs, the Group notes that Customs has made no visible effort to adapt or enhance the system in the context of the sanctions or mitigate the risks associated with the geographical challenges. Since 2005 no additional efforts have been undertaken by Ivorian Customs to communicate with its counterparts in the receiving countries to verify the successful exportation of transit cargo. Ivorian Customs should again be encouraged to improve its control measures by using the underutilized X-ray scanner for transit goods travelling by road. The evaluation of the transit system by the Group leads it to believe that transit shipments are inadequately monitored by Ivorian Customs to confirm export, which for the Group represents a significant concern and a risk for diversion of sanctioned goods in Côte d'Ivoire including the territories administered by the Forces nouvelles.

C. Redeployment of Ivorian Customs authorities to the borders

33. Pursuant to the Ouagadougou Agreement, the Government began to deploy Ivorian Customs authorities to the northern borders in May 2008. The Group wrote to Ivorian Customs in early July 2008 to request a written status report and update on the issue of the redeployment, but to date has not received any response. In a meeting with the Director-General of Customs in mid-August, the Group was informed that Ivorian Customs was ready to proceed. However, the lack of agreement on the part of the Forces nouvelles authorities regarding the modalities of implementing a normal customs regime had resulted in a halt to the exercise. The Director-General further commented that the lack of significant progress in unifying the revenue accounting procedures had stalled the process.

34. The Group travelled to northern Côte d'Ivoire in June 2008 to assess first-hand the measure of success achieved. The Group notes that a limited deployment of 13 Ivorian Customs officers has been made to the border crossing of Ouangolodougou on the border of Burkina Faso. An equivalent number of Forces nouvelles personnel designated as customs officers have been appointed to complement the Ivorian Customs officers. In the meantime, the Group also observed that staff of the Forces nouvelles' Resource Management Centre, who had previously been posted in the border area, remained there and continued to exercise the same level of authority as they had prior to the redeployment. The Group noted that the situation was tenuous and that no cooperation existed between Ivorian Customs and the designated staff of the Resource Management Centre. The Ivorian Customs authorities are prevented from performing their lawful duties, including inspection and examination.

35. While the Ivorian Customs staff are considered to be fully trained and qualified, the Forces nouvelles designates have little or no customs knowledge, are insufficiently trained and are therefore unqualified to work as customs officers. The Group determined that the training that a customs official must undergo in Côte d'Ivoire currently consists of successfully completing a one-year course at the national training centre. The Director-General of Ivorian Customs commented that a brief orientation on customs procedures had been given to the identified Forces nouvelles personnel, adding however that that did not represent sufficient training to qualify them as customs officers. The Group was also advised by Ivorian Customs that logistically it will be difficult to accommodate any training for the complementary contingent contributed by the Forces nouvelles until sometime in

2009. This is an additional factor which hinders the successful integration of new staff and retards any meaningful redeployment of Ivorian Customs to the borders of countries neighbouring Côte d'Ivoire.

36. All of the other border crossings with neighbouring countries in the centre, north and west region remain under the exclusive control of the Forces nouvelles, with no Ivorian Customs authorities present. Additionally, Ivorian Customs has been unable to conduct any investigations into smuggling in the areas under the administrative control of the Forces nouvelles.

37. The Group notes that while the international standard Harmonized System of tariff classification to classify imported goods is in effect in areas under the control of Ivorian Customs, no such application of the tariff is made on the borders under the administrative control of the Forces nouvelles. During the visit of the Group to the Ouangolodougou border area, meetings were held with the Forces nouvelles authorities in control of the border crossing namely the Resource Management Centre. The discussions revealed that the Centre continues to control and operate the clearance of imports and exports and apply and collect various levies according to its own schedule. These charges do not reflect the rates which would be applied in accordance with the Harmonized System.

38. No communication, sharing of documentation or advance notice is given by the Forces nouvelles to the Ivorian Customs authorities indicating that non-duty paid goods have crossed the borders. As such, there is no guarantee of secure movement of the goods to the point where they could be received by Ivorian Customs for clearance. This means that any undesirable and potentially destabilizing elements to the peace process can enter the territories under the administrative control of the Forces nouvelles without the knowledge, detection or interdiction of Ivorian Customs.

39. While the Group understands that the process of creating an integrated customs system will not be immediately effective, if any measure of success is to be achieved there must be a commencement of cooperation between the Forces nouvelles and Ivorian Customs. To date the Forces nouvelles authorities have officially stated that no changes will be made to the manner in which taxes are collected until certain guarantees are received. Consequently, and contrary to information previously reported in July 2008 (see S/2008/451, para. 2), the Group is of the opinion that there is no evidence of any transfers of revenue collection from the Forces nouvelles to the State in the northern part of the country.

40. While the Group appreciates the efforts made by the Government, it is of the opinion that the redeployment exercise is symbolic, without any real hope of success unless tangible progress is demonstrated. The Group consequently opines that, in the context of the Government's objective of redeploying Ivorian Customs in the territory under the administrative control of the Forces nouvelles, the goal has not been met. The mere physical presence of Ivorian Customs is insufficient to consider that the exercise has been successful, as Ivorian Customs is prevented from exercising its statutory authority.

VII. Aviation

41. As in the preceding mandates, the Group proceeded with the verification of the aeronautical equipment of the Ivorian Air Force in general, and in particular those aircraft designated for civilian use. This exercise was undertaken to determine the airworthiness of the equipment and to confirm its non-military use.

42. The Group therefore followed up on its investigations into the use of the Air Force fleet and the possible presence of foreign technicians providing maintenance or technical assistance. In this regard, the Group continued to request responses to questions put to the Minister of Defence on 29 August 2007.

43. In addition, the Group continued to interact regularly with authorities of ASECNA and the Régie Administrative d'Assistance en Escale. The objective of these visits was to verify both internal domestic flights and international flights destined for Côte d'Ivoire and to peruse any freight documents accompanying cargo shipments discharged in Abidjan.

44. Finally, the Group visited a number of airports and landing strips to assess the utilization of the available air facility infrastructures throughout the interior of the country.

A. Verification of the air fleet capacity

45. To determine the state and usage of the Ivorian Air Force fleet, the Group met with the second in command of the Air Force, on 2 August 2008. Once again, the Group was reminded that since October of 2006, the date of the cessation of the flights of the MI-24 helicopter, the use of other aircraft by the Air Force had been exclusively civilian. The Group has not observed any visible improvement or repair to the condition of the military aviation equipment parked at the military air base.

46. The MI-24 bearing the registration number TU-VHO has not flown since 26 October 2006 and has not moved from its parking place during the Group's mandate. It remains in the same condition as noted by the Group during its last inspection in March 2008. Following investigations undertaken by the Group, it must be noted that the Group has not discovered any indication of the presence of foreign technicians who are capable of performing any repairs on this aircraft.

47. The Antonov 12 bearing the registration number TU-VMA, which belongs to the Ivorian army but has been designated for civilian use, remains grounded since 11 November 2007 due to the non-operational condition of one of the left engines. This aircraft has not flown and the last attempt to start the operational engines took place in March 2008.

48. Of the two IAR-330 helicopters designated for civilian use by FACI and bearing registration numbers TU-VHM and TU-VHI, only the helicopter TU-VHM remains operational. According to statistical information received from ASECNA, this aircraft undertakes regular flights. According to information obtained by the Group, it often flies in connection with the needs of the President of the Republic.

49. The helicopter bearing registration number TU-VHI was destroyed in a crash which took place on 17 February 2008 (see S/2008/235, para. 29) at Minignan near Odienné in the territory under the administrative control of the Forces nouvelles.

Witness statements gathered by the Group revealed the presence of armed military personnel on board this helicopter, while the designated use was search and rescue. As such, the Group believes that particular attention must be given to the use of the remaining airworthy helicopter bearing registration number TU-VHM.

50. The Group undertook to interview others present at the crash site and those involved throughout the process of evacuation for treatment of the wounded in Abidjan. All witnesses confirmed the presence of weaponry, while some were more precise in identifying Kalashnikovs and grenades. The wounded personnel were evacuated to Abidjan the same day as the accident occurred on board a United Nations Dash 7 aircraft.

51. Nevertheless, it is necessary to point out that in 2006, the Romanian company which sold the two IAR-330 helicopters to the Ivorian Government had furnished the Group with documents indicating that the aircraft had been destined exclusively for civilian use. For its part, the Ivorian Army declared on 1 August 2006 that the helicopters transported only civilians and did not transport military personnel, weapons or ammunition. They declared that helicopter TU-VHI was designated for the transport of dignitaries and that helicopter TU-VHM was intended for search and rescue (S/2006/735, para. 87). These facts were reaffirmed by the second-in-command of the Air Force during the meeting cited in paragraph 45 above.

52. In 2006, the Group was informed by the Committee that the use of aircraft registered by the Ivorian Air Force for civilian needs did not constitute a violation of the embargo unless it could be established that there was evidence of a direct military application (S/2006/735, para. 78). In light of previous discussions on the civilian use designation, the Group concludes that this particular flight TU-VHI was in contravention of the spirit and intent of the Committee.

53. In the course of a meeting between the Group and the Minister of Defence on 22 August 2008, one of the advisers to the Minister touched on the issue of the maintenance of the army aircraft used for civilian needs. He spoke specifically of the non-operational Antonov 12 and the IAR 330 helicopter used for the needs of the President of the Republic. It should be remembered that the problem of maintenance of the army aircraft used for civilian needs was mentioned during a meeting held between the Armed Forces of Côte d'Ivoire headquarters and the Group of Experts on 28 August 2007. The Armed Forces headquarters personnel noted that they were having difficulty in acquiring replacement parts for the aircraft designated for civilian needs. In actual fact, the countries supplying the replacement parts had refused to do so in light of the embargo.

54. The Group suggested to its interlocutors that they approach the Permanent Mission of Côte d'Ivoire to the United Nations to inform them of the procedures to follow. One of the members of the Minister of Defence's advisory staff stated that a request for an exemption had been routed through the Permanent Mission of Côte d'Ivoire to the United Nations in 2006 and resubmitted in 2007, but remained unresolved. The Group is not aware of any such tendering of an application for an exemption or subsequent response from the Committee.

B. Airports and landing strips

55. As mentioned in previous reports, Côte d'Ivoire has at its disposal a number of airports and landing strips, three of which have international designation, namely Abidjan, Yamoussoukro and Bouaké. Beyond these three, a number of other public airports, landing strips and heliports exist in the north as well as in the south according to documents available with the National Civil Aviation Agency and ASECNA.

56. Air traffic at certain private and public airports in Côte d'Ivoire is not monitored by the impartial forces (UNOCI and Licorne). This is certainly the case in San Pedro, which is located in close proximity to the border with Liberia. Following information obtained by the Group from the manager of the San Pedro airport, this airport is not controlled by Customs however is open to receiving aircraft originating in foreign countries upon receipt of special authorization from the appropriate authorities. In such cases, the police, customs authorities and other interested services are present to perform the necessary formalities. All of this takes place, however, in the absence of any elements of UNOCI, as their presence at the airport is not a permanent one. It is worth noting that the San Pedro airport is capable of accommodating landings by large aircraft such as the Antonov 12 and Transall.

C. Verification of flights and air movements destined for Côte d'Ivoire

57. The Group maintained contacts with authorities of the Régie Administrative d'Assistance en Escale with the aim of obtaining information on the nature of the air freight unloaded in Abidjan. An analysis of the air traffic and examination of the documents accompanying the merchandise, manifests and bills of lading did not reveal any cases of violations.

58. Two of the three aircraft belonging to the Ivorian State are airworthy. According to statistics obtained from ASECNA, these aircraft make regular international flights. It should be noted that these aircraft do not have any controls, including Customs inspections, exercised upon them in terms of the discharge of their cargo.

VIII. Military assistance

59. Following the presentation of its midterm report (S/2008/235), the Group re-established contact with the designated focal point at the Ministry of Defence to obtain answers to the questions posed in its correspondence dated 29 August 2007. In this connection, the Group requested information on the status of Mikhail Kapylou (see S/2006/964, paras. 25-31 and S/2007/349, paras. 41 and 42), his presence in Côte d'Ivoire, the presence of any foreign technicians delivering maintenance services to the military equipment, and in case of non-continuous presence, proof of the departure of the previously identified foreign technicians.

60. Not having received any response after five months, the Group finally succeeded in obtaining an audience with the Minister of Defence and his entourage

on 22 August 2008. However, the Minister did not respond to the questions, maintaining the view that his primary mission was to find ways to leave the crisis behind. In consideration of this reaction, the Group concludes that it has not benefited from any meaningful cooperation on the part of the Minister of Defence as stipulated in paragraph 9 of Security Council resolution 1782 (2007).

61. Throughout its mandate, the Group has attempted to determine whether Mikhail Kapylou remains in Côte d'Ivoire. All attempts to contact him by telephone have been fruitless. The Group therefore is not in a position to confirm the presence of Mr. Kapylou in Côte d'Ivoire. It is noteworthy that telephone calls made during the current mandate to the number at which the Group had succeeded in contacting Mr. Kapylou on 6 May 2007 were not answered.

IX. Arms

A. Violations of the embargo in terms of arms and related materiel

62. During its mandate, the Group was unable to conclude whether any importation of military equipment in violation of the sanctions regime was made by the two former belligerent parties. In the course of its visits to the different regions of the country, however, the Group gathered several indications suggesting that movements of small volumes of weapons occurred, without being in a position to verify such information. The frequency of such indications suggests that the possibility of violations cannot be entirely excluded.

63. In the course of the examination of regular imports into Côte d'Ivoire, the Group obtained further confirmation that explosive goods are regularly imported into the country, reportedly for industrial purposes. In particular, the Group obtained several copies of authorizations granted by the Ministry of Mines and Energy in June 2008 to EquiGold, for the importation, from Ghana and by overland route, of this category of materials.

64. According to declarations of the importing company, the relevant Ivorian authorities granted an import licence without informing the company about the fact that such transfers were prohibited under the embargo on military equipment and related materiel established by Security Council resolution 1572 (2004). The Group considers that such an approach from the Ivorian authorities illustrates a lack of understanding and commitment to comply with the sanctions regime established by the Security Council, as a similar case and identical conclusions have already been illustrated in the midterm report of the Group, concerning the company Schlumberger (S/2008/235, paras. 39-41).

65. From a review of resolution 1572 (2004), it appears to the Group that such goods fall squarely under the term "arms or any related materiel" and are also subject to the embargo. Furthermore, it emerges from the analysis of the Guidelines of the Committee for the conduct of it work, elaborated on 13 June 2005 and revised on 20 April 2007,[1] that there is no scope for exemptions to be granted or requested for importation of prohibited items for industrial purposes. The possible cases of exemption are explicitly enumerated in paragraph 8 of Security Council resolution

[1] www.un.org/sc/committees/1572/pdf/guidelines_ci_eng.pdf.

1572 (2004) and in paragraphs 19 to 21 of the Guidelines of the Committee for the conduct of its work. This list, which is exhaustive and not illustrative, does not contain any mention of this materiel.

66. The Group followed up the earlier reported case (Schlumberger), addressing a communication to the United States Mission to the United Nations on 11 July 2008, and requesting clarifications on the circumstances of the export. As the time of writing of this report, the Group's letter has not been responded to. Similarly, the Oil Directorate of Côte d'Ivoire, which authorized the importation, did not reply to the request for further information dated 19 March 2008.

B. Law enforcement equipment and procurement by the National Police and Gendarmerie

1. Needs of the National Police and Gendarmerie in terms of law enforcement material

67. In the course of its exchanges with the Ivorian National Police, the National Gendarmerie and the Integrated Command Centre, the Group focused on the need expressed by these authorities for appropriate law enforcement and riot control equipment and procurement. According to the interlocutors of the Group, the shortage of such equipment represents a major challenge for the execution of their authority and the fulfilment of their mandates, in particular considering the approach of the electoral period.

68. According to figures provided by the Director-General on 9 June 2008, the Ivorian National Police estimates its equipment needs as follows: 12,500 9 mm automatic pistols, 25,000 magazines for 9 mm automatic pistols, 4 million rounds of 9 mm ammunition, 2,000 grenade launchers, 5 million rifle-propelled grenades and 2 million hand grenades.

69. It emerged from the declarations made by the Director-General of the National Police that such an amount of automatic pistols would allow to the National Police to equip every officer on duty with one handgun. Currently, according to the information provided to the Group by the Director-General, none of the officers who has graduated from the National Police Academy since 2001 is in possession of such a weapon.

70. The Group considers that more detailed elements are needed in order to establish the veracity of the figures provided by the Director-General of the National Police. A comparison of the figures obtained in the course of the current mandate of the Group with those gathered in the previous mandates (of the Groups appointed pursuant to resolutions 1727 (2006) and 1761 (2007)) reveals a number of discrepancies. As a matter of fact, during the Group's exchanges with the police authorities in March and August 2007, the latter estimated the number of unequipped officers to be between 6,000 and 8,000. Over the same time period, the official graduations numbered only 195 officers, suggesting a gross inaccuracy.

71. Similarly, the Group considers that the estimate of the need for 9 mm ammunition, as calculated by the police authorities (4 million rounds of single-calibre ammunition for a one-year period) exceeds what appears to be a reasonable level of consumption for the Ivorian National Police.

72. During its exchanges with the high command of the National Gendarmerie on 15 May 2008, the Group received a detailed list of the estimated needs in equipment for the 4,154 officers engaged in law enforcement missions. In addition to the needs highlighted for non-lethal material and vehicles, this list contains a specific reference to military equipment and ammunition. The data provided to the Group mentions in particular 10,000 automatic 9 mm pistols, 4,154 Kalashnikov assault rifles as needed to complement currently available stocks, as well as 2 million rounds of 9 mm ammunition and 2.8 million rounds of 7.62 x 39mm ammunition.

73. The current strength of the Gendarmerie is approximately 11,000, of whom fewer than 4,200 are engaged in law enforcement missions on a regular basis, and the currently available weapons stockpile already contains several hundred serviceable Kalashnikov automatic pistols. Considering these elements, the Group is of the opinion that the estimate of the equipment needs prepared by the Gendarmerie is excessive, particularly for Kalashnikov rifles and ammunition, as the use of this specific weapon should be limited to purely military activities.

74. At the Group's meeting on 3 June 2008, with the Integrated Command Centre in Yamoussoukro, the estimate of equipment needs was among the issues discussed. The Centre underlined that its primary needs consisted of transportation and communication materials.

75. The Group believes that its analysis of the Guidelines of the Committee reveals that no enabling procedure exists for possible exemptions in order to respond to demands by the National Police and the National Gendarmerie. Such a response is not possible until security sector reform, as indicated by article 3 of the Linas-Marcoussis Agreement of January 2003, is effectively initiated and the integrity of the national territory is entirely re-established.

2. Recent imports by the Ministries of the Interior and Defence

76. Despite several requests addressed to the relevant authorities and written correspondence addressed to the Director-General of Ivorian Customs on 29 May 2008, followed by several reminders, the Group obtained data concerning imports made by the Ministry of the Interior and the Ministry of Defence only on 27 August 2008. Such data covers the period from 1 October 2007 to 30 June 2008.

77. During the above-mentioned period, the Ministry of the Interior was recorded on four occasions in the data provided by Ivorian Customs. In none of these cases were the imported goods were classified with the Harmonized System. codes relative to weapons or ammunitions. The items imported on one occasion were labelled as "security helmets". For its part, the Ministry of Defence was registered 11 times as the consignee of imports. The imported items were classified as security headgear, headgear and belts. The Group has subsequently requested additional information on specific import transactions, which has yet to be received and analysed.

3. Follow-up of the Tusk Trading case

78. The Group requested an update on the current status of the contract between the Ministry of the Interior and Tusk Trading Pty Ltd. (see S/2006/964, paras. 6-11), and was informed that no progress had been made since the beginning of 2008 and that the Government still hoped to find an acceptable settlement with respect to the

prepaid funds currently retained by Tusk Trading. Nevertheless, the documents provided to the Group on this matter by the Ministry of the Interior indicate that there are ongoing inquiries in order to identify other potential suppliers.

4. Follow-up of the Imperial Armour case

79. The Group visited South Africa in order to gather additional elements on the importation by the Ivorian National Police of protective gear, including helmets described as bulletproof (see S/2007/349, paras. 56-62). The mission of the Group, initially scheduled in April 2008, was postponed until the end of May 2008, pursuant to the request of the South African authorities who stated that many of the Governmental officials would not be available. The authorities further expressed concern with respect to the Group's intention to meet with Imperial Armour, maintaining the view that such a visit had a potential to jeopardize the Government's successful ongoing investigations.

80. In the course of its exchanges with the authorities in South Africa, it emerged that no ongoing judiciary procedures had been initiated. The Group subsequently determined that the South African authorities were not in possession of information relative to Imperial Armour's exports and sales. The Group submitted additional information from the public domain to its interlocutors and highlighted inconsistencies with respect to the actual activities of the company as compared with the activities they were licensed for under South African law.

81. Following receipt of this information, the South African authorities agreed to initiate an investigation and further assured the Group that they would share relevant information with it. The authorities requested the Group not to visit Imperial Armour or alert it to any enquiry in order to successfully initiate their investigation. The Group agreed to respect the requests of the South African authorities; however, despite assurances of cooperation, the Group has not received any additional information relevant to its mission despite additional requests since the visit. The Group is not aware of the current status of the case.

82. During its mission to South Africa, the Group was able to obtain documentation showing that Imperial Armour had shipped one consignment to Côte d'Ivoire in November 2007 by sea. Documents show that these goods were declared as headgear, plastic parts of headgear and locking devices. As part of the information provided to the Group by Ivorian Customs in August 2008, the Group was able to identify corresponding goods arriving in Côte d'Ivoire in January 2008 and consigned to the Ivorian Ministry of Security. In response to questions posed by the Group at the beginning of June 2008 with regard to this shipment, the Director-General of the Police denied the receipt of such an importation.

83. With respect to the previous shipment from Imperial Armour which was declared to be bulletproof helmets (see S/2007/349), the Group conducted an inspection at the central armoury of the Ivorian National Police on 25 June 2008. During this inspection, the Group was presented with 55 non-ballistic riot-control helmets manufactured by Imperial Armour, 42 of which were still in their original packaging. Six boxes remained sealed bearing Ethiopian Airlines labels and the airway bill numbers referred to in the Group's previous reports.

84. According to the police officer in charge of the armoury, the remainder of the helmets delivered in January 2007 had been distributed to several police posts in

different localities of the country; however no documentation to substantiate such internal transfers was made available. The officer in charge of the armoury was also asked to confirm her signature on the delivery certificate provided to the Group by the Director-General of the National Police, which she did. When the Group called attention to the fact that the helmets were defined as "bulletproof" in the certificate, the officer in charge answered that such a description was inaccurate and that the document was signed without paying much attention to the English-language description.

85. Notwithstanding numerous contradictions identified in the documentation in connection with the shipment, the Group determined that all the helmets presented for inspection at the National Police armoury were non-ballistic. The Group, however, regrets that the lack of complete collaboration from South African authorities and the delay of the authorization from the Director-General of the Ivorian Police to conduct the physical inspection of the goods has impeded the Group's investigations and diminished the prospect of reaching a conclusion on the specification of helmets imported in 2007.

C. Absence of disarmament

86. Despite the general improvement of the security situation in Côte d'Ivoire, the Group expresses its concern regarding the lack of effective disarmament of the militias created in the various stages of the conflict as well as the ex-combatants of the Forces nouvelles who took part in the demobilization process launched in May 2008.

87. Since 2 May 2008, 9,895 ex-combatants of the Forces nouvelles have taken part in the demobilization, disarmament and reintegration process. Among these, 4,985 opted for definitive demobilization and reintegration into civil activities and 4,910 voluntarily chose to apply for integration into what should be the new national army. It is interesting to note that during the various stages of the cantonment and demobilization process, only 18 electronic detonators, 18 grenades, 177 small-calibre rounds of ammunition, 83 magazines, 76 unserviceable small-calibre and 10 serviceable small-calibre weapons were collected, taking into consideration the number of personnel involved.

88. The results obtained in the disarming and dismantling of the militias were even less successful. Apart from one spontaneous collection of weapons registered in Bangolo in June 2007 (recorded as 3 Kalashnikovs, 1 SIG rifle, 5 hunting rifles, 1 grenade and 733 7.62 x 39mm rounds of ammunition), the disarmament of these groups did not continue following the ceremony held in Guiglo in May 2007. The comprehensive dismantlement and disarmament process was initiated again in 29 July 2008, with the launch of the phase of profiling the members of the militias.

D. Weapons and ammunition

1. Cache of weapons in Séguéla

89. At the beginning of June 2008, the Group was informed by UNOCI sources that the Forces nouvelles unit in Séguéla had convened a meeting with UNOCI staff on 5 June 2008 and informed the Mission's personnel that a cache of weapons had

been discovered between Séguéla and Kani. The UNOCI embargo cell did not receive the information regarding this episode from UNOCI staff but rather directly from the Group.

90. The Group undertook a mission in Séguéla between 16 and 18 June 2008 in order to verify the information received and to gather additional elements. During its mission, the Group met UNOCI staff deployed at this locality as well as the newly appointed Forces nouvelles zone commander (Major Issiaka Ouattara alias Wattao) and the mayor of Kani.

91. The UNOCI staff confirmed their attendance at the meeting held on 5 June 2008 and the information previously received by the Group. They also informed the Group that, according to the information provided by the Forces nouvelles, the cache of weapons had been discovered in Tiesso, a village near the town of Kani, on 20 May 2008, three days after the departure of the former zone commander in post at Séguéla (Koné Zacharia). The Forces nouvelles did not provide any further details on the quantity or type of the equipment since the recovered weapons were reportedly transferred to Bouaké shortly after their discovery by a special Forces nouvelles unit.

92. In the course of his exchanges with the Group, the zone commander denied that such events had taken place. He nevertheless recognized that some Forces nouvelles elements loyal to his predecessor had hidden their weapons, fearing measures that might be taken against them by the newly appointed Forces nouvelles authority, and that part of that equipment had not been recovered. In addition, he admitted that the equipment held by the troops who had evacuated from Séguéla after the departure of the previous zone commander included some weapons previously unknown to the Forces nouvelles command. He declared to the Group that the Forces nouvelles military authorities were taking steps to bring that equipment under their custody and once that process was concluded, the material would be presented to the impartial forces for registration in the course of embargo inspections.

93. The same issue was raised with the Forces nouvelles Commander, General Soumaïla Bakayoko, during a meeting held in Bouaké on 21 July 2008. The General denied any knowledge of the information but promised to take all necessary measures in order to cross-check such information and convey his conclusions to the Group during a meeting to be organized before the end of August 2008. Despite several requests of the Group, such a meeting could not be organized. Thus far, the Group has not received any follow-up information on this matter.

94. The Group regrets that in the absence of a well-organized reporting structure and proper coordination between different sections, UNOCI was unable to respond appropriately and take the timely necessary steps to ascertain the nature of the goods, their real location and whether they were in violation of the embargo, despite the information voluntarily offered by the Forces nouvelles.

2. Ammunition recovered in Man and San Pedro

95. On 26 June 2008, UNOCI staff were informed about the accidental discovery of 20 rounds of 7.62 x 39mm ammunition in Grandbapleu, near the town of Man. This ammunition was collected by the Bangladeshi battalion of UNOCI and kept under its custody. The Group requested and obtained photographs of the ammunition

and analysed the markings on the head-stamps of the cartridges in order to extrapolate as much information as possible.

96. Owing to the lack of comprehensive inventories of the equipment possessed by the Ivorian military forces (FDS-Ci and FDS-FN), together with the absence of detailed information from the cartridge markings, the Group could not determine whether the ammunition had belonged to one of the two former belligerent parties. The Group was only able to identify the countries of manufacture (Bulgaria, China, Russian Federation and Zimbabwe) and to note that 2002 was the year of production of the most recently manufactured lot. Such information is not sufficient to determine whether Côte d'Ivoire was the first recipient country of these goods.

97. On 10 August 2008, the Senegalese battalion of UNOCI deployed in San Pedro was informed about the accidental discovery of 120 rounds of 7.62 x 39mm ammunition and two Kalashnikov magazines in the town of San Pedro. The Group learned from the battalion command that it had received instructions from sector west command of UNOCI to hand over the recovered equipment to the local command of the National Gendarmerie. After the intervention of the Group and the UNOCI embargo cell (informed about the episode by the Group), the instruction was finally withdrawn on 14 August 2008.

98. After analysing the markings of the three different lots of ammunition, the Group was only able to determine that the countries of manufacture of the ammunition were Bulgaria, the Russian Federation and Ukraine, and that the newest ammunition had been manufactured in 1999. Considering the lack of an effective global tracing mechanism for the trade of small-calibre ammunition, and also that markings generally only relate to the date and origin of manufacture, such available elements are insufficient to determine any definitive date of acquisition or whether Côte d'Ivoire was the importer or first recipient country of these goods.

3. Trafficking in the Lake Buyo region

99. The Group has adopted a practice of conducting frequent visits to different regions of the country and regular interaction with UNOCI personnel in the field. During one exchange with United Nations police personnel in Daloa on 20 August 2008, the Group was informed about the possible trafficking of small-calibre weapons in the region surrounding the Lake Buyo in western Côte d'Ivoire.

100. The Group informed the UNOCI embargo cell about the matter and requested the United Nations police command to schedule a special joint mission with the embargo cell to the region for further verification. The joint mission was conducted between 1 and 3 September 2008, and several on-site inspections revealed that small-calibre weapons (essentially AK-47 rifles and automatic pistols) are regularly traded, during market days, in various localities situated on the banks of the lake. This equipment enters into Ivorian territory from Liberia and Guinea by road. Transport of the weapons to Lake Buyo is made, in a second phase, by boat along the rivers that lead to the lake, most frequently at night. The mission also revealed that no inspections were ever conducted in those villages, either by the impartial forces or the Ivorian authorities. The UNOCI embargo cell informed the Group of its intention to investigate the matter.

101. At the time of writing of this report, the investigation is still in its early stages. The complexity of the trafficking networks involved and any additional information

will likely come to light after further investigations. The Group considers nevertheless that the UNOCI embargo cell should intensify its focus on this region, which has been identified as the entry area of the weapons. In order to have an efficient follow-up, it will be necessary to obtain operational support from Licorne.

102. The Group considers that the manner in which this information was managed illustrates the lack of effective and systematic information-sharing mechanisms within UNOCI. As a result, throughout its mandate the Group of Experts consistently sought information within the Mission, often visiting field offices. The Group was rarely, in the course of its investigations, in a position to benefit from the Mission's support which should normally occur in accordance with paragraph 11 of Security Council resolution 1782 (2007). Similarly, the Group is of the opinion that the UNOCI embargo cell is insufficiently provided with relevant information, which limits its activities to routine inspections of military and police facilities.

103. The Group considers that the factors illustrated above demonstrate that movements of small-calibre weapons persist in Côte d'Ivoire, in both the Government territories and those under the administrative control of the Forces nouvelles, especially in the western region of the country. Both the introduction of new weapons and the lack of credible disarmament clearly hinder progress in the disarmament of the Forces nouvelles ex-combatants and the dismantling of the militias. These factors represent a serious potential risk for peace and stability in the near future and could contribute to increased civil disobedience and heightened local tensions.

E. Private security companies

104. The Group focused its attention on the private security sector and endeavoured to gather comprehensive information on the possible importation of equipment by such entities since the imposition of the arms embargo in 2004. Although the Group submitted a comprehensive written questionnaire to the Ministry of Security at the end of February 2008, the information submitted to the Group in June 2008 was inconclusive. None of the requests for clarification and additional elements addressed to the Ministry has been responded to.

105. Based on the data received, the Group has determined that one security company, namely Delta Assistance, obtained 18 licences to carry firearms between December 2005 and January 2006. The Group endeavoured to meet the management of the company in order to determine whether it purchased any weapon after the licences were granted. When contacted by telephone, the representatives of Delta Assistance refused to meet the Group and further opined that the Group had no authority to investigate the company's activities or its equipment, and that the company had no need to cooperate unless specifically instructed to do so by the Ministry of Security.

106. In the course of exchanges with representatives and stakeholders of the security sector, the Group was made to understand that while a legal basis for governing these private companies was established in 2005 (Decree 2005-73 of 3 February 2005), it has never been enforced by the State since the different regulations needed to create the legal framework for implementation have never been adopted. Some of the interlocutors of the Group indicated that the sector is

administered in somewhat of an arbitrary manner, as some activities not allowed by the legal basis of 2005 are nevertheless authorized by the State.

X. Defence-related expenditures and natural resources

A. Military expenditures

107. Pursuant to its investigations regarding defence expenditure, as detailed in its midterm report (S/2008/235), the Group examined the issue further.

108. It would first be pertinent to convey the actual military expenditure for Côte d'Ivoire in 2007, taking into account the final figures published by the Government, which were not available at the time of writing the midterm report. The initial budget for defence for 2007 was 137.8 billion CFAF. The situation at the end of 2007 shows a higher outlay for this allocation, the amount actually spent being 148.8 billion CFAF, and an additional amount of 6.3 billion CFAF under the heading of "Non-regularized advances", bringing the total expenditure for defence to 155.1 billion CFAF in 2007, representing an overall increase of approximately 13 per cent over the initial budgeted amount. For 2008, the initial amount has already undergone a change from the original figures announced. The Government published the position of budgetary expenditure by different ministries and institutions on 31 March 2008. This position reflects a change in the amount allocated to the Ministry of Defence. The initial allocation of 154 billion CFAF has been revised upwards to 161 billion CFAF. Therefore, there would be an increase of 4 per cent in funds for defence expenditure in 2008, as compared to the actual expenditure in 2007. This analysis might undergo further change depending on the details of budgetary execution published periodically by the Government.

109. Though data on State expenditure are not available to the Group, since such data are not reflected in the budget, it is clear that spending has had an effect on budget overruns, as reflected in the IMF report of April 2008, according to which the overruns of 0.8 per cent of GDP in 2007 reflected unbudgeted discretionary spending by the Presidency and the Prime Minister's office, military wages, front-line bonuses and unforeseen housing allowances for primary schoolteachers. A large part of spending took place through treasury advances which made it more difficult to monitor budget execution.

110. The Government formally terminated front-line bonuses from February 2008. The outlays reflected in the budget are for bonuses claimed to be in arrears by the military (a total of 0.7 per cent of GDP since 2003). According to the IMF report, the Côte d'Ivoire authorities intend to limit the budget for bonuses in 2008 to 0.3 per cent of GDP (from 0.4 per cent in 2007) and postpone remaining payments to beyond 2008. The Government also granted temporary bonuses to Forces nouvelles soldiers who met the eligibility criteria (at a cost of up to 0.1 per cent of GDP).

111. In the course of reviewing Government expenditure on payment of front-line bonuses in 2008, the Group observed that the amounts dedicated to the crisis exit programmes (the broad heading under which front-line bonuses are budgeted) frequently undergo changes. Since the amount originally mentioned in the Group's midterm report (S/2008/235) does not correspond to the amounts now being

published by the Government, the Group deems it necessary to trace the evolution (all figures are in millions of CFAF):

Date	*Total budget of crisis exit programme*	*Government share*	*Outlay end-July 2008*	*Estimated expenditure August-December 2008*	*Front-line bonuses*
9 January 2008	166 000	75 000	—	—	30 000 (budgeted)
25 February 2008	236 691	109 491	—	—	
August 2008	223 497	144 697	80 400	66 000	32 000 (revised budget)

Source: Ministry of Economy and Finance, Côte d'Ivoire.

112. The actual expenses up to July 2008 for front-line bonuses amount to 27.499 billion CFAF and the estimate for the remaining months is 5.6 billion CFAF. These factors serve to illustrate the constantly changing nature of the funds allocated for this budget heading, and it would be worthwhile to monitor the payments effected through the end of 2008, given the fact that the Government does not appear to have clearly finalized the expenses on this account and that there is every likelihood of a budget overrun.

113. On the issue of financing the crisis exit programmes, it would be pertinent to mention another major allocation of expenses, which is the regroupment of FAFN and contractual allocations. Up to the end of July 2008, the Government has spent 3.121 billion CFAF against the budget of 5 billion CFAF for the entire year. In addition, 7.7 billion CFAF have been estimated for the remaining five months of 2008.

B. Natural resources

1. Coffee and cocoa

114. Further to its investigations as highlighted in the midterm report (S/2008/235), the Group continued its dialogue with the designated focal point in the Ministry of Economy and Finance. Initially, the Group received some documents relating to the coffee/cocoa sector and the energy sector. These documents are the communications made by the Government committees set up, subsequent to recommendations of IMF and the World Bank, to ensure transparency in the financial flows of these sectors. Since these documents examined the financial flows and investments from 2007 onwards, taking into account the amounts available as of 31 December 2006, the Group observed that this information did not respond to the questions raised in its earlier formal communication to the Ministry of Economy and Finance. Consequently, further communications to the focal point, detailing the specific information required, were sent but met with no response. At one point, it was suggested to the Group that it obtain the details from the concerned institutions. This suggestion was rejected by the Group.

115. Continuing its investigations into bank accounts held by the quasi-fiscal institutions, the Group endeavoured to obtain details of the accounts' utilization

from the two banks, BNI and BCEAO, which hold the highest amounts for the Sacherie Brousse, the Réserve de Prudence and FDPCC. These banks hold 65 per cent of the total assets in these three funds, as follows:

(a) BNI: 21.51 billion CFAF as at 31 December 2006 and 24.639 billion CFAF as at 31 December 2007;

(b) BCEAO: 7.07 billion CFAF as at 31 December 2006 and 17.884 billion CFAF as at 31 December 2007.

The objective was to study the utilization of the amounts from 2004 onwards, with a view to ascertaining whether any amounts could have been diverted for purchase of arms. The scope of enquiry is limited by the specific terms of reference in paragraph 9 (b) of Security Council resolution 1643 (2005) and paragraph 7 (b) of resolution 1727 (2006).

116. As a large outflow of transfers was observed in the accounts held in BNI, an attempt was made to follow the movement of these amounts. Contact was established with Ecobank and BFA, which received sizeable transfers from BNI.

117. Despite meetings followed by written communications, the officials of Ecobank did not make details available regarding the accounts administered or the movement of funds relating to those accounts, maintaining that they would need the permission of the concerned institutions. The bank sought such permission on 11 June 2008, advising the institutions that if it did not hear from them within a week, it would make the details available to the Group. Despite constant reminders, no information is yet forthcoming. BFA simply ignored the Group's request for information.

118. When asked for details regarding the movement of funds in the accounts of the Réserve de Prudence, the Sacherie Brousse and FDPCC held in their banking institution, the authorities of BCEAO conveyed their inability to make this information available on the grounds that only the two signatories of these accounts, the Minister for Agriculture and the Minister for Economy and Finance, had the authority to do so. Despite a meeting in February 2008 and several communications, this response was received only after the Group issued a formal communication on 17 June 2008 through the Secretariat. The Group subsequently addressed a communication to the two signatories, on 3 July 2008, through the Permanent Mission of Côte d'Ivoire, but to date, no response has been received.

119. These instances serve to emphasize the difficulty of obtaining information from banking authorities worldwide, as domestic confidentiality laws are typically invoked. This makes the task of the Group more onerous, as without the cooperation of these institutions, no information on the utilization of finances generated by the exploitation of natural resources can be forthcoming. In the absence of full cooperation from Member States, the scope of the Group's investigations in this regard is limited because it does not have judicial powers.

120. The issue is clearly also of concern to the Government, which has convened a judiciary enquiry into the accountability of the levies collected by the quasi-fiscal institutions. In August 2008, the concerned judicial authority called upon a number of ministers to provide information in this regard.

121. It is to be noted that the World Bank has estimated that 300 to 400 billion CFAF has been collected by these quasi-fiscal institutions since their inception in

2001. The World Bank also acknowledged that it was not in a position to obtain the details of utilization and investment, despite successive missions having so requested.

122. The Group undertook to analyse these funds within the scope of its mandate to ascertain whether they have been utilized for the purchase of military equipment. The Group has been unable to proceed with further investigations, however, not having received the requisite information and cooperation.

2. Petroleum

123. No further information has been made available regarding the utilization of revenues generated by the petroleum sector. The Group requested World Bank representatives to provide a copy of the commissioned report entitled "Evaluation of the production and of the sale of petrol and gas during 2000-2005". The response to the Group was that only the client, namely the Government of Côte d'Ivoire, was in a position to release this information.

124. The Group undertook a number of studies with institutions and Government bodies without coming to any conclusions concerning the petroleum sector, due to the lack of detailed information.

C. Forces nouvelles

125. As already discussed in previous paragraphs, the Government's redeployment of administration and establishment of a single exchequer remains far from being achieved. During visits to the centre, north and west region, it was observed that the Forces nouvelles still control all matters relating to revenue collection. The Resource Management Centre is effectively in place, giving no signal of moving towards a unified revenue administration. The Group had occasion to observe the Centre's activities in the course of its visit to the border point at Ouangolodougou. It was gathered from the representatives of the Centre present at this border point that their daily collection ranged from 1 million to 8 million CFAF, depending on the volume of import/export traffic. Contrary to the system as reported in paragraph 57 of its midterm report (S/2008/235), the Group ascertains that in the administrative region of Korhogo, which includes Ouangolodougou, revenues which are collected are first disbursed at the zone level to meet obligations as identified by the Forces nouvelles zone commander, with any residual money then being forwarded to the headquarters of the Resource Management Centre in Bouaké.

Photos 1 to 4 below show official Forces nouvelles receipts for various charges levied at Ouangolodougou.

Photo 1
Escort tax receipt form

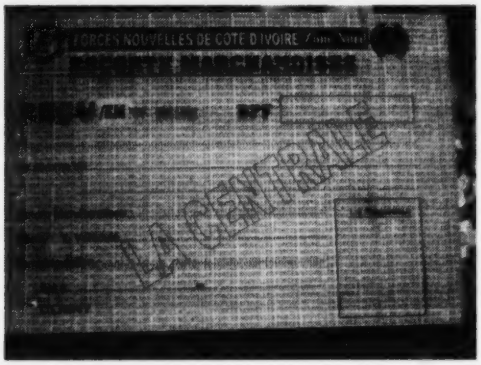


Photo 2
Tax receipt form

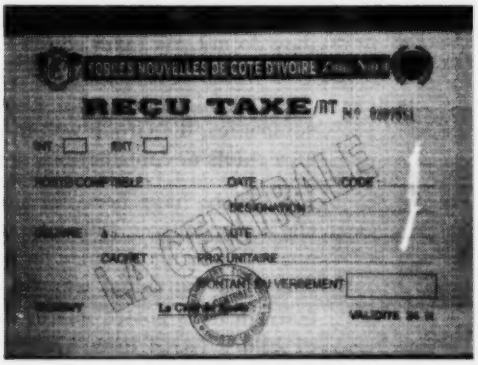
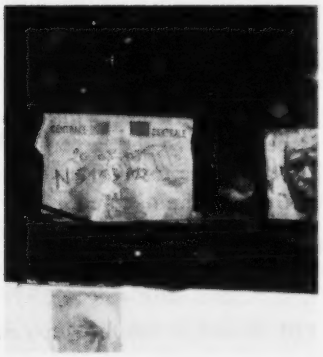


Photo 3
Escort tax forms

Photo 4
Escort tax form on windscreen of lorry



126. Several efforts were made to pursue the Group's outstanding request for details of receipts and expenses from those responsible for the finance management of the Forces nouvelles. A meeting with the Forces nouvelles National Secretary of Finance, Moussa Dosso, was also not achieved, despite written and telephone requests from February 2008. The Group is therefore not in a position to shed more light on the sources of financing and the categories of expenditure of the Forces nouvelles. Nevertheless, from various documents and discussions, it is apparent that all economic operators in the centre, north and west zone contribute to the exchequer of the Forces nouvelles by means of the various taxes/levies paid, be it to the Resource Management Centre or the zone commanders.

127. Exploitation of natural resources in the centre, north and west zone by various companies, mostly foreign companies, continues at a regular pace. The gold industry does not occupy a significant position in Cote d'Ivoire's economy, as its gold

production in 2007 was estimated at three tons compared to 75 tons in Ghana and 52 tons in Mali. In order to assess the contribution of gold mining to the economy of the Forces nouvelles, the Group chose to study the gold sector in the light of the fact that several foreign companies have been investing in projects in the centre, north and west zone. Most of these projects are in the exploration phase, with only one company slated to begin production in 2010; its project in Tongon in the north is currently in the feasibility study stage. According to the companies interviewed, they do not pay taxes to the Forces nouvelles, as they have not started production. The Group would opine that these projects constitute a contribution to the economy, in terms of employment of workers and security guards. As reported by certain companies, the Group was informed that informal payments have been made to the area chiefs or contributions of goods in kind for services.

128. There have been reports of artisanal gold production since April 2008, in Darakolondougou (50 kilometres north of Katiola), where the deputy Forces nouvelles sector commander of Katiola was one of the main persons in charge of the site. This individual was found murdered in May 2008 in Korhogo. The Forces nouvelles has posted guards around this site to facilitate the unregulated extraction of gold. UNOCI troops, during their patrols, have repeatedly been barred entry, as late as August 2008.

XI. Diamond embargo

A. Joint mission of the Group of Experts on Côte d'Ivoire and the Kimberley Process

129. In accordance with Security Council resolution 1782 (2007), the Group of Experts invited the Experts of the Kimberley Process to conduct a joint mission to Côte d'Ivoire to visit the diamond fields and meet with various stakeholders in the territories administered by the Forces nouvelles, as well as Government officials in Abidjan, in order to assess the current production and illicit export volumes of diamonds from Côte d'Ivoire. A similar joint mission was undertaken in April 2006 (see S/2006/735).

130. Based on satellite images, aerial photography and observations in the field, the joint mission decided to conduct an aerial survey over Séguéla and Tortiya to map and compare the different diamond deposits and carry out a ground inspection to investigate ongoing artisanal alluvial mining in both areas. In order to guarantee unimpeded access to the diamond sites, the Group obtained the necessary authorization from the leadership of the Forces nouvelles.

131. During the overflight, the joint mission noted considerable mining activity in the Séguéla region, particularly at the Bobi dyke. The ground inspection in Séguéla determined that the massive benching was still the result of organized extensive artisanal mining, as it was in 2006. No heavy equipment was spotted at the site. Forces nouvelles soldiers still control all mining activity, however they state that they only secure the area and they strongly reject reports that they are involved in the exploitation. When the joint mission arrived on the ground at the Séguéla site, it was informed by some of the miners that the zone commander of the Forces nouvelles (Zacharia Koné, alias Tchakiss) had instructed them to cease working and leave the site.

132. Prior to 2002, the Government had in place, in the diamond production areas, local entities called *groupements villageois à vocation coopérative* (GVCs). These organizations represented the local administration, which took responsibility for receiving the diamonds, accounting for the production and collecting a local tax amounting to 12 per cent of the estimated value of the diamonds extracted. Currently, the number of miners is difficult to determine, but the Ministry of Mines estimates that between 5,000 and 10,000 miners are active in Séguéla, where 17 of the original 25 GVC offices are still operational. The estimated number of miners in the village of Tortiya is less then 5,000, and there is no GVC office there.

133. The Group was provided with a copy of the technical report of the Kimberley Process following the mission, which estimated the total production capacity in Côte d'Ivoire to be between 114,000 and 188,500 carats per year. Calculating the output of the total production continues to be a difficult exercise because the diamond content per ton and the efficiency of diamond recovery can only be estimated. However, the Group believes the annual value can be estimated at between $12.5 million and $20.7 million based on the average value per carat.

134. The joint mission met representatives of the Ministry of Mines and established that the Government has only a basic system of regulations based on elements of internal control, valid Kimberley Process certificates and legislation that meets the minimum standards of the Process. In this regard, the Group believes that, given the challenges presented by the demographics and the geographical administrative controls shared by the Government and the Forces nouvelles, the Government should undertake to strengthen those controls by implementing a more sophisticated system of production monitoring. It is the opinion of the Group that as long as there is no proper deployment of Government mining officials, there will be no credible and reliable safeguard of natural resources in Côte d'Ivoire and no consequent re-establishment of international credibility to the country's diamond sector. The Group notes that the Ministry of Mines deployed a representative in Séguéla in February 2008, but because of a lack of physical assets and logistical support, little progress has been achieved.

135. Despite the internal decree of the Ministry of Mines in 2002 and the diamond embargo imposed by Security Council resolution 1643 (2005), Ivorian diamonds are being illicitly exported through neighbouring countries to international trading centres.

B. Côte d'Ivoire

136. Recalling previous information obtained by the Group in the course of its investigations into activities conducted by the Balaji consortium based in Ghana, Liberia and the United Arab Emirates, as reflected in its midterm report (S/2008/235), the Group interviewed Chetan Jogani, director of the diamond company Jogdiam in Antwerp, one of the companies that received rough diamonds from the company Balaji Gemlust. In the course of the interview with Mr. Jogani, the Group was advised that he was aware of an offer to sell 500 carats of rough diamonds by a certain Mohamed Kabore, owner of the Gold Mining Cooperative, reportedly based in Abidjan. The Group was provided with copies of documents that were given to Mr. Jogani by René Weinberg, a long-established elderly broker who is active in the Antwerp market. The correspondence shows an offer dated in

January 2008. Mr. Jogani stated that he had not purchased those diamonds, but nevertheless was interested in them. He claimed to be aware of the United Nations embargo on Ivorian diamonds.

137. During the Group's interview with Mr. Weinberg, the latter confirmed the information about the offer of Mr. Kabore. Mr. Weinberg stated that his specialty was polished diamonds and that he had a business relationship with Chetan Jogani. He recalled that in January 2008 he had received an e-mail from Mr. Kabore offering him the opportunity to purchase 500 carats of rough diamonds. Having little or no experience with rough diamonds, Mr. Weinberg passed the information to the company Jogdiam. In the event that Jogdiam purchased the diamonds, Mr. Weinberg would receive a commission. A discussion began between Messrs. Weinberg, Jogani and Kabore specific to the cost of transporting the diamonds to either Israel or Belgium for evaluation. Eventually the deal did not materialize and the communication stopped.

138. When the Group spoke with an associate of Mr. Kabore in Abidjan, it was informed that the company was able to provide rough diamonds, but that its main focus was gold. When contacted personally, Mr. Kabore informed the Group that his company was not in fact registered in Côte d'Ivoire, which was confirmed by the Group's inquiries with the registrar of companies. When pressed to have a face-to-face meeting with the Group, on a number of occasions Mr. Kabore excused himself saying that he was either unavailable because of other commitments or travelling outside of Côte d'Ivoire.

C. Ghana

139. In view of earlier reports of the Group of Experts pointing to internal control flaws in Ghana that resulted in Ivorian diamonds being inserted clandestinely into the system, several measures were taken by the Kimberley Process and the Government of Ghana to make an assessment of the current situation there. Presently the delegation of the European Commission together with the Canadian High Commission are supporting Ghana in its efforts to improve and implement internal controls. Particular emphasis is being placed on the registration of the informal *galamsey* miners, the collection of production statistics and an independent audit of Kimberley Process compliance by the Ghanaian Auditor-General. A Kimberley Process update review mission in June 2008 found that Ghana made considerable progress in registering miners and traders. Previously, one of the biggest obstacles to the *galamsey* registration process had been the suspicion on the part of *galamsey* that Government officials would use the information to arrest them or otherwise to prevent them from mining. In order to overcome this obstacle, the registration process was preceded by a public education campaign with all stakeholders in which officials explained the purpose of the registration exercise. As a result of this public education exercise, the *galamsey* cooperated with the registration process. Another positive sign from Ghana is the latest diamond export figures. Ghana exported 894,783 carats in 2007, an amount that reflects a more realistic level of production as compared with the export statistics from 2001 to 2005. The statistics on production for the first three quarters of 2008 are consistent with this trend.

D. Mali

140. During its current mandate the Group focused more on Mali because information from various credible sources pointed to Mali as being one of the major transit points for Ivorian diamonds, in violation of the sanctions regime. During different field visits to the north of Côte d'Ivoire, the Group established that the majority of the Ivorian diamond production in Séguéla and Tortiya was gathered and brought by road to Boundiali to go further north to Tengrela to leave the country via Sikasso to Bamako. The Group sets out the following three case studies that demonstrate how Ivorian diamonds are illegally exported to Bamako and end up on the markets of Antwerp and Tel Aviv.

1. Case study 1: Malian Customs seizure

141. In the midterm report (S/2008/235), the Group cited a suspicious shipment of 61.42 carats of rough diamonds seized by the Customs authorities at Bamako airport in December 2007.

142. On receipt of this preliminary information, the Group conducted investigations into the source of those diamonds and the details of attempts to export them from Mali. The Group's investigations were conducted in Mali, France and Belgium.

143. During its investigations in Mali, the Group had occasion to examine the diamonds and the documents that were presented to the Customs authorities in December 2007, as follows:

(a) Examination certificate of the National Directorate of Geology and Mines dated 27 November 2007 (see annex II);

(b) Invoice number 09/Dr/11/07 dated 29 November 2007 (see annex III);

(c) Certificate of origin dated 29 November 2007 (see annex IV);

(d) Export intention form for 61.42 carats of rough diamonds in the name of Boubacar Camara, to Diamaxx in Belgium (see annex V).

Those documents were presented by the exporter, along with the consignment of diamonds, to the Malian Customs authorities at the airport in Bamako for export to the European Union.

144. The Group subsequently conducted investigations into the activities of the exporting company Kolagna SARL, based in Bamako, and its director, Moussa Coulibaly. The Group was successful in identifying the associates of this company, who played a major role in helping the company to export the diamonds. All the parties to the concerned transaction were also interviewed.

145. Mr. Coulibaly confirmed that it was his intention to export the goods to Antwerp. He first made contact with a middleman, Francis Sabatié, a French national, in Bamako, who introduced him to a financier. The financier for the purchase of diamonds was a certain Nicolae Buzea, Director-General of an engineering company, Intercomex, located in Prahova, Romania. Mr. Buzea corroborated this fact. When interviewed by the Group, Mr. Sabatié explained that he, with the help of business associates, had contacted the company Diamaxx in Antwerp and proposed the sale of the diamonds to Diamaxx.

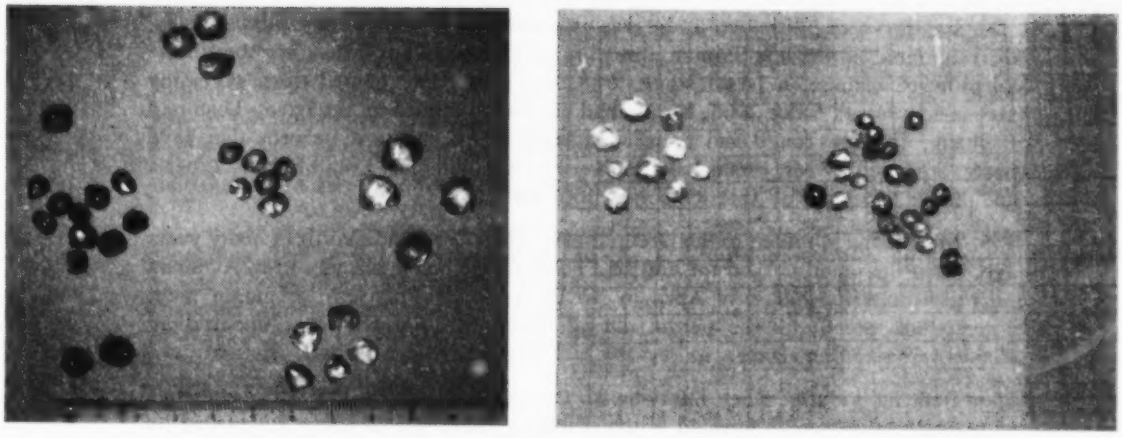
146. According to Mr. Coulibaly, the first attempt to export the diamonds to Belgium through Casablanca was made in November 2007 by handing over the parcel to the commander of a Royal Air Maroc flight, with accompanying customs documents. The parcel reached Morocco but the Customs authorities there returned it to Mali, as there was no accompanying Kimberley Process certificate.

147. Diamaxx reportedly had initially expressed interest in purchasing the diamonds but subsequently backed out when, following enquiries of the Ministry of Economy in Belgium on 6 December 2007, the company realized that imports from Mali were not legally permissible, as the country was not a participant in the Kimberley Process.

148. Despite the negative response from Diamaxx, Mr. Coulibaly and Mr. Sabatié continued their attempts to export the diamonds to Europe. Mr. Coulibaly therefore got in touch with Boubacar Camara, who has a licence to export valuables from Mali. Mr. Coulibaly first presented the diamonds to the geological section of the Ministry of Mines for an official certification that the rough stones were genuine diamonds. Realizing the necessity to certify the origin of the diamonds and considering that Mali is not a participant in the Kimberley Process, Mr. Coulibaly and Mr. Camara proceeded to fabricate a document to support their origin by reproducing the entire text of the certificate issued by the Ministry of Mines and adding the origin of the stones as Kenieba, a region in the south of Mali. Mr. Camara himself signed the document. The intention was to export the stones to France, and it was this attempt to export them that resulted in the seizure of the parcel in December 2007 by Customs officials in Bamako.

149. All the individuals involved in this transaction recognized the easy availability in Mali of rough diamonds of different origin. They also acknowledged that the consignment of rough diamonds originated from Séguéla, Côte d'Ivoire.

150. In view of the prima facie doubts about the origin of the diamonds, which arose at the time of a visual examination of the diamonds in February 2008 in Bamako, the Group requested, via the Committee, a technical examination of the diamonds. This was conducted in Bamako on 28 August 2008 by the Kimberley Process Working Group of Diamond Experts in the presence of representatives of the Group. The Working Group's report, after excluding Mali, Guinea or Sierra Leone as the origin of the diamonds, categorically concluded that "the combination of all observed characteristics of the rough diamond shipment can only be satisfactorily explained by accepting a Bobi-Seguela origin, placing the diamond origin in Côte d'Ivoire". The results of the investigation were conveyed personally by the Group to the attention of the Secretary-General of the Ministry of Foreign Affairs and to the Director-General of Customs of Mali.



Digital photographs taken by the Group of Experts on Côte d'Ivoire on 20 February 2008 (left) and by the diamond expert of the Kimberley Process on 27 August 2008 (right). Both pictures were taken at the same Customs office at Bamako International Airport, where the shipment has been kept since December 2007.

151. During its investigations in Bamako, the Group was able to interview a number of individuals who were able to give a good insight into the informal diamond market in Bamako. Several key players informed the Group that they were in a position to obtain rough diamonds from the whole West African region up to Angola and the Central African Republic. Every interlocutor informed the Group that it had the contacts to insert the diamonds into the market in Guinea and export them legally with a Guinean Kimberley Process certificate. Observations made by the Kimberley Process Working Group on Statistics have revealed a number of anomalies with respect to the characteristics and origin of diamonds exported from Guinea. These anomalies suggest the potential for the injection of foreign diamonds through the Guinean system, which will require further investigation by the Group of Experts.

2. Case study 2: Mali-Israel connection

152. This case study serves to illustrate the pivotal role of Mali as an easy transit point for diamonds of Ivorian origin. During its exchanges with the customs authorities at Bamako Airport in February 2008, the Group was informed of the detention of an Israeli citizen in December 2007. This individual, Alon Avraham, was checked by airport Customs on the basis of reports that he was trying to smuggle diamonds out of Mali. While no diamonds were recovered from his person, the Bamako Airport Customs authorities recovered an invoice for 2,523.31 carats of gemstones, valued at $356,669.86 (see annex VI).

153. On the basis of this information, the Group proceeded to inquire into the activities of Mr. Avraham. A major factor that emerged was that Mr. Avraham was a frequent visitor to Bamako. He had travelled at least 11 times to Bamako from Tel Aviv between 24 April and 9 December 2007, and his stays in Bamako ranged from 2 to 15 days.

154. Exactly during that period, he was employed by an Israeli diamond company, the proprietor of which is Shimon Freund. This individual has been a member of the Diamond Exchange in Israel since 1988, and previously owned three polishing factories in Israel. Since 2005, Mr. Freund has been licensed by the Israeli Diamond Exchange to trade rough and polished diamonds. According to records that have been confirmed by Mr. Freund, he imported rough diamonds from Guyana, Liberia and the United States of America during 2007 and 2008.

155. Mr. Freund admitted to the Group that he knew Mr. Avraham from many years ago, when the latter worked for him as a polisher. He had again hired Mr. Avraham as a part-time polisher from April to November 2007. This term of employment corresponds exactly to the period during which Mr. Avraham was undertaking frequent trips to Bamako.

156. Both individuals, when interviewed, categorically denied that Mr. Avraham's trips to Bamako were connected to the diamond trade. Mr. Avraham stated that he had gone to Bamako after having made contact with a Lebanese individual named Mr. Wissam through e-mail, to explore the possibility of starting an Internet gaming site in Bamako. Mr. Avraham was not able to produce any documentary evidence, such as an exchange of e-mail, to support his explanation.

157. According to Mr. Avraham, he had gone to work for Mr. Freund in April 2007 because of personal financial difficulties, but he had remained alert to other business opportunities, which was why he took frequent trips to Mali. He was not clear about his sources of finance for those trips. According to him, several trips would have been financed by Mr. Freund, as the tickets were purchased from Mr. Freund's company travel agent, the cost of which was deducted from any salary paid to Mr. Avraham. Neither Mr. Avraham nor Mr. Freund was able to produce any salary slips. Mr. Avraham also stated that he had occasionally worked for Mr. Wissam at a nightclub in Bamako and that the latter had given him free lodging and occasionally paid him €1,200.

158. Mr. Freund categorically denied having sent Mr. Avraham to Bamako to purchase diamonds. He expressed surprise when asked by the Group whether his company records would show invoices covering "private" costs or expenses for Mr. Avraham, but did not dismiss the possibility. When asked for more details, Mr. Freund adopted an aggressive and uncooperative attitude.

159. On a subsequent visit to Bamako in August 2008, the Group contacted Mr. Wissam at the nightclub where Mr. Avraham claimed to have worked. When questioned, Mr. Wissam first denied either knowing Mr. Avraham or having any business arrangements or money transactions with him. Mr. Wissam reversed his position two days later, admitting that he remembered an Israeli by the name of Abi or Avi, who would be Alon Avraham. He reiterated, however, that Mr. Avraham had never worked with him and that he had never given him any money.

160. Mr. Wissam further recalled having been introduced to Mr. Avraham by Yori Freund, the co-owner of the nightclub. Enquiries revealed that Yori Freund is the son of Shimon Freund and that Yori was arrested in September 2004 by Mali Customs while attempting to smuggle 3,216 carats of rough diamonds on a flight from Bamako to Tel Aviv via Paris.

161. In the above case study, it is important to highlight the following:

(a) Alon Avraham's trips to Bamako corresponded exactly to his period of employment with Shimon Freund. Certain expenses incurred by Alon Avraham were paid by Shimon Freund;

(b) The number of times (6) Mr. Avraham stated that he had travelled to Bamako contradicts the information possessed by the Group regarding his trips (11);

(c) No documentary evidence with respect to financing the flights and accommodation to and from Mali are available. It is difficult to conceive the value of and the reasoning for spending considerable funds and effort on a project that never materialized without other motivations;

(d) No evidence is available to support Mr. Avraham's stated activities with respect to his visits to Mali;

(e) Mr. Avraham admits having travelled to Monrovia and Amsterdam to transport diamonds for Shimon Freund, but at the same time denies having carried out similar activities during his frequent visits to Mali, where Shimon Freund has a family connection.

3. Case study 3: Mali-Belgium connection

162. During its investigations in Antwerp, the Group became aware of the activities of an individual by the name of Mokhtar Sylla. Mr. Sylla, originally a Malian citizen, has held Belgian nationality since 2004. Several sources mentioned Mr. Sylla as a middleman who obtains diamonds from West Africa and transports them to Antwerp for sale.

163. During the course of its investigation, the Group interviewed the former landlord of Mr. Sylla. According to him, within the past year Mr. Sylla's social situation had improved significantly and he had managed to pay his rent in cash several months in advance after having returned from trips to Africa. The landlord indicated that he had had several conversations with Mr. Sylla about diamonds. He was of the opinion that Mr. Sylla's new-found success was due to increased diamond trading.

164. When the Group interviewed Mr. Sylla he stated that he had never been involved in the diamond trade but was involved in the telecommunications industry, an activity he had started in Angola and the Congo. He noted that he had travelled only twice to Bamako since 2004, once in 2005 and another time in 2007, and that those trips were taken only for family reasons. When questioned about his visits to the World Diamond Centre in Antwerp, Mr. Sylla stated having been there only three times in 2008 and only to meet acquaintances. All the information given by Mr. Sylla is in contradiction to the Group's investigations. Mr. Sylla was in fact a regular visitor to the Diamond Centre. In particular, in 2008 he visited two major diamond buildings in Antwerp, the Diamond Kring and the Diamond Club. In the first building he visited the diamond company Shallop Diamonds. In the second he regularly visited the office of Limo Diamonds, a company owned by a certain Mooshi Fisher. It is noteworthy that during the interview with the Group, Mr. Sylla omitted mention of his visits to that company. When the Group further questioned him on his movements, he finally acknowledged vaguely knowing a certain Mooshi Fisher but avoided mentioning the name of the company he owned or managed. Shallop Diamonds and Limo Diamonds are two companies that have been extensively reported in previous Group of Experts reports (see S/2002/486,

paras. 136-155, and S/2000/1195, para. 128) as being possible violators of the sanctions regimes in Angola and Sierra Leone respectively. Shallop Diamonds has an office in Guinea whose main activity is the purchase of diamonds.

165. Mr. Sylla informed the Group that he owned a telecommunications company in Belgium, but when asked for details he was unable to readily provide the name of the company, the registration or tax number or the address, and further was unable to supply any documentation to substantiate any ownership of such a company. He stated, however, that he worked with two associates, namely Sylla Mamadou and Sylla Youssef, two brothers of Malian origin. Their activities consist of exporting road tires and second-hand cars from Belgium to Mali.

166. With respect to the information obtained, the Group makes the following observations: The connecting factors are that the essence of Mokhtar Sylla's business is related to Bamako. Mr. Sylla's brother-in-law is Morie Kallon, who is mentioned by the Group in a previous report (S/2006/735) as one of the dealers of rough diamonds in Séguéla, Côte d'Ivoire, moving diamonds to Bamako. At one time, Mr. Kallon lived in Séguéla but has recently moved back to Belgium. In respect to this information, the Group believes that Mokhtar Sylla is a person of interest for future investigations.

E. Dubai

167. The Group had highlighted in its midterm report (S/2008/235, para. 70) a case of export of a diamond shipment from Liberia to the United Arab Emirates. The Group has taken note of the observations of the Group of Experts on Liberia in its reports (S/2007/689 and S/2008/371), with particular reference to the opinion of the Kimberley Working Group of Diamond Experts that it could not be excluded that this shipment was contaminated with Ivorian diamonds. Noting that this shipment was released by the Liberian authorities and sent to the company BGC International in Dubai without any proper investigation, the Group deemed it necessary to continue its investigations into this consignment. During the visit to Dubai, the Group attempted to contact the director and the signatory of BGC International, through the Kimberley Process office in the United Arab Emirates. This attempt was unsuccessful as neither of the individuals was available in the country. The diamonds were also not available for inspection. The Group is, therefore, not in a position to arrive at any conclusions about the real origin of the diamonds.

XII. Individual sanctions

168. In its midterm report (S/2008/235), the Group observed that no controls were exercised on the financial means at the disposal of the three sanctioned individuals. This view is reinforced by further enquiries into the ongoing activities of the individuals. With a view to ascertaining the measures adopted by the Government in this regard, several attempts were made to meet with representatives of the Ministry of Justice during the current mandate, albeit without any result.

169. Attempts were also made to obtain information on the incomes generated by the various commercial activities of Charles Blé Goudé, one of the three sanctioned individuals. The latter is the President and Director-General of a company registered as Leaders Team Associated (LTA), which handles event management and political communications. The company was established on 21 July 2005 and entered in the

register of companies under No. CI-ABJ-2005-B-2359. According to records maintained, Mr. Blé Goudé is the sole shareholder, with a capital of 1 million CFAF. The Group deems it necessary to mention here that the bank account number declared at the time of registration of the company was, on further verification, found to belong to another individual.

170. Press articles on the activities of this company suggest that it has a large event management portfolio, for which the company would presumably be remunerated. In consideration of this information, the Group would be led to believe that the organization and management of those events constitute a direct involvement of the named sanctioned individual in gainful commercial activities. In a written communication addressed to the Director-General of Taxes on 2 May 2008, the Group requested income and tax information on the company and of Mr. Blé Goudé as the only owner of the company. Despite written and oral reminders and requests made through the Permanent Representative of Côte d'Ivoire to the United Nations, the General Directorate of Taxes did not reply to the Group's requests.

171. It is the Group's opinion that the Government of Côte d'Ivoire was remiss in not taking any measure to freeze the financial assets arising out of the activities of this company. Furthermore, the Government should fulfil its obligation to implement paragraph 11 of resolution 1572 (2004). Furthermore, in fulfilment of that obligation, the Government should undertake an investigation into the activities of LTA and Mr. Blé Goudé and make the results available to the Committee in a timely manner.

172. The issue of the payment of royalties for the year 2007 to Mr. Blé Goudé for his book, "*Crise ivoirienne. Ma part de vérité*", was also taken up with the publishing house Société nouvelle de presse et d'édition de Côte d'Ivoire (SNEPCI), a Government enterprise. No reply was received to the enquiries of the Group contained in its letters dated 5 and 20 March 2008. It has since been ascertained by the Group that Mr. Blé Goudé received a further payment of royalties for 2007 in the amount of 1,158,300 CFAF on 5 June 2008.

173. Further information that SNEPCI has signed a contract with Mr. Blé Goudé to publish his second book, "*Et pourtant c'était le chemin*", prompted the Group to query SNEPCI for details of this contract. The Group has not received a response.

174. In the absence of any input from the Ministry of Justice, the Group is unable to conclude that any measures were taken by the State in this regard. It would also appear that no action has been taken in terms of paragraph 3 of resolution 1782 (2007), and paragraph 9 of the resolution has also not been honoured. In consideration of the non-cooperative positions taken by the responsible entities, the Group is led to believe that the Government has no intention to fulfil its obligations under paragraph 11 of resolution 1572 (2004) and subsequent resolutions.

175. The Group's attempts to arrange a meeting with Mr. Blé Goudé did not yield any results, as he did not communicate his availability on the suggested dates.

176. The Group is now in possession of information concerning an account held by Martin Kouakou Fofié at SGBB, in Ouagadougou. Subsequent to an admission by Mr. Fofié that he had established an account at SGBB in Ouagadougou (S/2006/735, para. 183), the Group undertook to make direct contact with the aforesaid bank. During the course of its investigations, the Group determined that a certain Martin Kouakou Fofié opened account No. 11438000601 44 on 22 March 2005. After being presented with the documents pertinent to the opening of the account, the Group determined that the information given by the account holder was consistent with the

vital statistics of the sanctioned individual Martin Kouakou Fofié, with the exception that he had declared that he was a national of Burkina Faso. The Group acknowledges that the sanctions against Mr. Fofié became effective as of 7 February 2006 in accordance with resolutions 1572 (2004) and 1643 (2005). Two cash withdrawals against cheques totalling 66 million CFAF (approximately €100,600) were effected: one for 15,600,000 CFAF on 9 February 2006 and the second for 50,400,000 CFAF on 10 February 2006 (see annex VII). These withdrawals occurred within 72 hours of the publication of Mr. Fofie's name, on 7 February 2006, in the list of persons subject to the United Nations assets freeze.[2] Therefore, the Group is of the opinion that these withdrawals constitute a clear violation of the assets freeze.

177. The Group noted that, according to documents obtained from the bank, in both cases the payee was a certain Brahima Traoré, an Ivorian national, holder of identity card No. 980860100615 dated 19 August 1998, issued at Korhogo. The Group determined that there was a certain Brahima Traoré, corporal of the Forces nouvelles, who was reportedly close to Mr. Fofié, and subsequently determined that this individual had died in a vehicle accident on 15 July 2008. In the course of the investigation conducted in Burkina Faso by the Group, the Government authorities confirmed that the identity documents provided by Mr. Fofié when opening the bank account were fraudulent. In further discussions with the authorities of Burkina Faso, the Group was advised that the certificate of nationality was non-existent and that the identity card was false, likely obtained through fraudulent means (see annex VIII).

178. In continuation of the Group's investigation, new information was uncovered revealing the existence of two previously unidentified bank accounts in the name of Martin Kouakou Fofié, at the Ecobank branches of Ouagadougou and Bobo Dioulasso. The Group notes that the identity information used to open the account at the Ouagadougou bank is identical to that used to open the account at SGBB, which has been determined to be fraudulent. The identity documents used to open the Bobo Dioulasso account present the account holder as Martin Kouakou Fofié, an Ivorian national. Activity at the Ouagadougou branch revealed one withdrawal of 6.5 million CFAF on 26 August 2006 (see annex IX), while no activity beyond the opening deposit was evident in respect of withdrawals in the second account in the Bobo Dioulasso branch.

179. The Group considers the withdrawal of the amount of 6.5 million CFAF from the Ecobank branch in Ouagadougou on 26 August 2006 to be another violation by Mr. Fofié of the assets freeze.

180. When the Group attempted to meet Mr. Fofié to discuss the information possessed by the Group, he referred the Group to his lawyer. Subsequent attempts to agree on a meeting date have been unsuccessful. On 8 September 2008, the Group forwarded a questionnaire to Mr. Fofié, requesting a reply by 14 September 2008 and copying his lawyer. The questionnaire contained, inter alia, specific queries relating to the bank account in SGBB highlighted above, other accounts held by him either in Côte d'Ivoire or abroad, and his involvement in certain commercial activities in Korhogo. The Group details below the responses of Mr. Fofié only to those issues discussed in the present report.

181. Mr. Fofié's responses to seven of the nine questions in the questionnaire were received through his lawyer on 14 September 2008. He confirmed having an account in SGBB during the first trimester of 2004, but said that there had been no deposits

[2] www.un.org/News/Press/docs/2006/sc8631.doc.htm.

in the account since the end of 2005. According to him, he does not possess any papers relating to this account and, therefore, cannot provide the account number. To a specific question asking him to identify his signature on the account opening form that the Group sent to him, he replied that he could not recall the documents he had completed at the time of opening the account, and he could therefore not affirm that the signature on the document was his. He categorically denied having made any transactions in the SGBB account, as there had been no deposits since 2005. He also denied holding any other accounts in countries other than Côte d'Ivoire. He revealed that he had an account in the Compagnie bancaire de l'Atlantique-Côte d'Ivoire and one in the Banque de l'habitat de Côte d'Ivoire, both in Côte d'Ivoire. Mr. Fofié stated that he did not possess any other funds or financial assets. As regards the remuneration he receives in his capacity as a zone commander and officer of the Forces nouvelles, he simply referred the Group to the Forces nouvelles headquarters.

182. It is pertinent to highlight here that Mr. Fofié has, for the first time, admitted to the existence of two personal accounts in Côte d'Ivoire, which had not come to the Group's knowledge earlier, despite enquiries to the aforementioned banks (see S/2006/735, para. 179) and two meetings with Mr. Fofié in 2006 and 2007.

183. It is evident from the above that Mr. Fofié has been able to evade, with impunity, the United Nations assets freeze imposed on him. This, in the opinion of the Group, was possible because neither the country concerned nor the banks initiated any measures to comply with the directives of the Committee, despite the reiteration, in successive Security Council resolutions, of the responsibility of Member States to take steps to apply the measures imposed and to inform the Committee thereof. Notwithstanding the responsibilities of Member States and banks to exercise due diligence in the execution of the sanctions, the Group also considers that the aforementioned cases are evidence of an ineffective and deficient monitoring mechanism.

184. The Group finds it regrettable that SGBB imposed the appropriate measures only following receipt of the letter dated 10 August 2007 of the Group of Experts, a full one and a half years after the publication of the list of individuals subject to the measures imposed by paragraphs 9 and 11 of resolution 1572 (2004). Furthermore, Ecobank was unaware of the list even at the time of the Group's visit, in August 2008. The authorities of Burkina Faso were unable to categorically indicate any steps taken for the effective implementation of the measures.

185. The Group met Eugène N'Goran Kouadio Djué on 2 September 2008 in Abidjan. During exchanges with the Group, he expressed his views on the current situation in the country and his role in the peace process through his non-governmental organization, the Union pour la libération totale et patriotique de la Côte d'Ivoire.

186. The Group drew his attention to some press articles published in the beginning of 2008 wherein he had been quoted as saying that he had received payments from the President of the State for members of his organization. Mr. Djué admitted that there was a tradition of visiting the President at the end of each year to greet him and that the President gave a gift of money, as a gesture from an elder. Stressing that this was a personal gift, he denied that the money was related in any manner to payments for members of his organization. While he argued that he had been misquoted by the press, he never denied the statement attributed to him.

187. According to Mr. Djué, his involvement in the peace process has been the only determining factor of his change of position, and not the sanctions imposed by the Security Council. Stating that the sanctions were a violation of his fundamental rights, he suggested that the procedures for requesting exemptions should be relaxed.

188. Even though the Group is not in a position to expand on the details of the assets or financial means at the disposal of Mr. Djué, in the absence of any information provided by the Government, it is the Group's impression that Mr. Djué has no restrictions on his financial means, nor has he expressed any inconvenience caused by the measures authorized by the Security Council. In the light of Mr. Djué's statements, the Group can only conclude that he has not been affected in any way by any measures that may have been taken by the Government of Côte d'Ivoire to freeze his assets.

XIII. Recommendations

A. Customs

189. Given the importance placed on embargo inspections to enforce the sanctions regime, the Group recommends that monitoring efforts on the part of UNOCI be strengthened through the introduction of a significant number of international Customs officers with sanctions experience into the embargo cell complement.

190. Notwithstanding the cooperation of Member States in supporting resolution 1572 (2004) and related resolutions, sanctions-related materials that make their way to Côte d'Ivoire should be interdicted at the point of importation. Tangible efforts to establish a joint inspection team with the Ivorian Customs should be a priority for UNOCI. While the focus of the sanctions is largely military in nature, the complexity of Customs procedures, the volume of imports and the potential dual use or diversion of use of any number of non-military goods for military purposes requires the expertise of a team of Customs personnel.

191. This proposed team of international Customs officers could be the complementary part of the special monitoring unit proposed by the Ivorian Customs authorities in September 2007. The Customs contribution to the embargo cell would bring a risk-based approach to the inspections, which would focus on elements such as the origin, nature and value of the goods as well as their importer and exporter, and thereby enhance the cooperation between the Ivorian Customs authorities and UNOCI and introduce tangible sensitization efforts. This exercise would strengthen and increase the credibility of sanctions monitoring with respect to goods imported by both air and sea and go a long way towards the establishment of a respectful and collaborative approach.

B. Aviation

192. The Group recommends that particular attention be accorded by the impartial forces to the activities of the remaining airworthy IAR 330 helicopter bearing registration number TU-VHM.

193. Surveillance by the impartial forces is necessary at all airports, landing strips and heliports capable of receiving flights originating in foreign countries. The Group believes that the UNOCI elements, including the embargo cell, should

increase their monitoring, particularly with respect to discharging airborne cargoes upon their arrival from outside Côte d'Ivoire. The Group recommends that UNOCI maintain a continuous presence of surveillance at all airport facilities. A list of these facilities is available from the Ivorian civil aviation authorities, SODEXAM or ASECNA.

C. Arms

194. The Group recommends that UNOCI establish an effective mechanism that ensures that all information gathered by the different sections and field offices of the mission relevant to either real or perceived sanctions violations is shared and conveyed in a timely manner with the UNOCI embargo cell, and further recommends that the embargo cell responds in a timely manner to such information and investigate it further.

195. The Group recommends that UNOCI establish comprehensive standard operating procedures with respect to securing any previously unaccounted-for military equipment recovered and that it ensure that such military equipment remains in its secure custody. The standard operating procedures should include comprehensive information relating to the proper identification of the equipment and include serial numbers and any other identifying marks. The Group further recommends that the UNOCI embargo cell heighten its level of vigilance and patrol presence and undertake to further investigate the reported cases of movements of illicit weapons referred to in paragraphs 89 to 94 and 99 to 103 of the present report.

196. The Group recommends that the UNOCI embargo cell, in collaboration with the mission's legal section, organize sensitization sessions on the scope of the sanctions regime and conduct presentations to those private companies who use non-military goods that are subject to the embargo on the military equipment and related materials, in the framework of their commercial and industrial activities.

197. The Group encourages the Committee to consider the comments contained in paragraphs 65 and 75 above (regarding dual-use and law enforcement equipment respectively) with a view to determining whether, pursuant to resolution 1572 (2004) and the Committee's guidelines, there are grounds to consider any request for exemption other than those enumerated in paragraphs 8 (a) to (e) of resolution 1572 (2004).

D. Finance

198. The Group frequently experiences refusal of access to information pertinent to its mandate from various entities under the guise of various limitations, private or public. The Group believes that the inability to access pertinent information is detrimental to the effective execution of its mandate. Recognizing the need to respect various issues relating to national security, the Group is of the view that the nature of the information required to execute its mandate does not fall under this category. The Group therefore recommends that the Committee encourage all Member States to instruct their Government authorities, all financial and banking institutions, all private and public companies and any individuals resident and/or operating in their national territories to fully cooperate and provide unrestricted access to all information pertinent to the effective execution of the Group's mandate.

E. Diamonds

199. The Group is of the opinion that, given the unresolved political and logistical issues as they relate to the mining industry and diamond production, as a first step, the Kimberley Process should commence the process of assisting the Government of Côte d'Ivoire in instituting a basic control mechanism to govern the diamond trade.

200. The Group recommends that the Malian authorities seize the diamonds under detention by Malian Customs at the Bamako airport and conduct a comprehensive investigation into the circumstances surrounding the case at hand. Furthermore, the Group recommends that the Malian authorities undertake to sensitize their appropriate officials, especially those stationed at the borders, to be sufficiently vigilant with respect to the cross-border trade of diamonds.

201. The Group is of the opinion that the Kimberley Process should assist the Government of Guinea in strengthening its internal control systems with respect to the issuance of Guinean Kimberley Process origin certificates, including enhanced Customs vigilance at the borders and ports of entry.

202. The Group recommends, with respect to the case studies presented, that the appropriate investigations be initiated by the authorities of Belgium and Israel on the activities of the companies and the individuals mentioned, with a view to assisting the Group in determining whether those activities constitute violations of the sanctions established by the Security Council on Ivorian rough diamonds.

F. Individual sanctions

203. The Group recommends that the Committee undertake the necessary steps to ensure that all Member States and their appropriate institutions are fully informed of and understand and implement the requisite steps to enforce the measures articulated in paragraphs 9 and 11 of resolution 1572 (2004).

204. The Group recommends that all Member States, particularly those in whose territories the above-cited violations occurred, immediately undertake comprehensive investigations into the complete financial activities of the sanctioned individuals. The results of those investigations should be communicated to the Group of Experts, through the Committee, to enable the Group to conclude its investigations.

205. Furthermore, the Group recommends that on the basis of information provided in the present report, the Committee update the list of individuals published as Security Council press release SC/8631, amended by SC/8739 dated 5 June 2006 and SC/8918 dated 20 December 2006, to include the details of two sets of identity documents in the possession of Martin Kouakou Fofié (annexes VIII and IX).

Annex I

Meetings and consultations held by the Group of Experts in the course of its mandate

Belgium

Government

Ministry of Foreign Affairs and Federal Police

Multilateral organizations

Kimberley Process secretariat for the European Union; Antwerp World Diamond Centre

Civil society

International Peace Information Service (non-governmental organization)

Burkina Faso

Government

Ministry of Foreign Affairs; Ministry of Internal Security; Ministry of Defence; Ministry of Justice; Ministry of Housing and Urban Development; Ministry of Economy and Finance; Ministry of Transportation; Ministry of Commerce and Non-industrial Private Enterprise Development; National Agency for Civil Aviation; Burkinabe Customs Authority; Directorate for Monetary and Financial Affairs; National Police

Multilateral organizations

Central Bank of West African States; United Nations Development Programme

Private sector

Ecobank Burkina, SGBB

Côte d'Ivoire

Government

Ministry of Economy and Finance; Ministry of Defence; Ministry of the Interior; General Direction of the Ivorian National Police; Superior Command of the National Gendarmerie; Permanent Representative of Côte d'Ivoire to the United Nations; Ministry of Mines and Energy; Ivorian Customs Authority; Air Force of Côte d'Ivoire; SODEXAM; National Commission of the Press; Ivorian Press Agency; Ivorian Copyright Offices; Integrated Command Centre; Abidjan Court of Justice; Abidjan Port Authority; San Pedro Port Authority; San Pedro Airport Authority; Financial Intelligence Unit; BNI

Forces nouvelles

Headquarters command of the Forces nouvelles; Direction of the Forces nouvelles police and gendarmerie

Multilateral entities

BCEAO; ASECNA; World Bank; Sub-Regional Bureau for Central and Western Africa of the International Criminal Police Organization; UNOCI; Licorne forces

Diplomatic missions

Embassy of the United States of America; Embassy of France; Embassy of Ghana; Embassy of Liberia; Embassy of Burkina Faso; Embassy of Italy; Embassy of Israel; Embassy of South Africa; Permanent Representative of the Facilitator for the Ouagadougou Political Agreement; Permanent delegation of the European Union

Private sector

Total-CI; ICM Transit; Schlumberger OEL; Group 4 Securicor; Randgold; Equigold; Cluffgold; Ecobank; Brink's West Africa; Cobagiex, Société Ivoirienne de Banque; Bureau Veritas-Bivac International; Ivorian Employers' Union of Private Security and Cash Transport Companies (UPESPCI); Royal Oil

Civil society

Source de bonheur (non-governmental organization); Ivorian League of Human Rights (LIDHO) — Duekoué section; Association of victims of war traders

Militias

Force de résistance du Grand Ouest

France

Government

Ministry of Foreign Affairs

Ghana

Government

Ministry of Foreign Affairs; Mineral Commission; Precious Minerals Marketing Company Limited; Ghanaian Custom Authorities

Multilateral and bilateral entities

Permanent delegation of the European Union

Private sector

Balaji Gemlust Company

Guinea

Government

Ministry of Foreign Affairs; Ministry of Mines; National Police; National Gendarmerie; National Commission to Combat the Proliferation of Small Arms and Light Weapons; National Diamond and Precious Stones Valuation Office; National Custom Authorities; National Agency for Civil Aviation

Guinea-Bissau

Government

Ministry of Foreign Affairs; Ministry of Defence, National Custom Authorities; National Agency for Civil Aviation

Multilateral organizations

United Nations Development Programme

Israel

Government

Diamonds, Gemstone and Jewelry Administration, Ministry of Industry Trade and Labor; Office of the Diamond Controller; Ministry of Foreign Affairs; Ministry of Defence

Multilateral entities

World Federation of Diamond Bourses

Private Sector

Zip Diamonds

Liberia

Government

Ministry of Foreign Affairs; Ministry of Justice; Ministry of Landmines and Energy; Liberian National Police; Liberia Reconstruction and Development Committee

Multilateral and bilateral entities

United Nations Mission in Liberia; United Nations Panel of Experts on Liberia

Private sector

Balaji Gem Export and Import Company

Mali

Government

Ministry of Foreign Affairs; National Directorate of Geology and Mines; Ministry of Energy, Mines and Water; National Commission to Combat the Proliferation of Small Arms and Light Weapons; National Custom Authorities; Centre for strategic studies of the Ministry of Foreign Affairs; National Agency for Civil Aviation

Multilateral and bilateral entities

United Nations Development Programme; World Bank

South Africa

Government

Ministry of Foreign Affairs, South African Police Service; South African Revenue Service; Directorate for Conventional Arms Control

United Arab Emirates

Government

Ministry of Economy and Planning; Ministry of Justice; United Arab Emirates Kimberly Process Director; Dubai Customs; Dubai Diamond Exchange; Dubai Multi Commodities Centre

Private sector

Akshi Investments Ltd

United Kingdom of Great Britain and Northern Ireland

Multilateral and bilateral entities

World Gold Council; International Council on Mining and Metals

Civil society

Global Witness

Annex II

Examination certificate of the National Directorate of Geology and Mines of Mali dated 27 November 2007

MINISTERE DE L'ENERGIE
DES MINES ET DE L'EAU

DIRECTION NATIONALE DE LA
GEOLOGIE ET DES MINES

REPUBLIQUE DU MALI
Un Peuple – Un But – Une Foi

N° 138/2007 /labo

ATTESTATION DE TITRAGE

ORIGINAL

De trente une pierres d'un poids total de 61,42 carats

Demandeur : Société Kalagna SARL BP : 2924 -Bamako-

Objet : Délivrance d'attestation de titrage

Nous soussignés, Djibouroula TOGOLA, Directeur du Programme pour le Développement des Ressources Minérales (PDRM), Madani KONARE, chef du laboratoire et, Madame SIMPARA Nana TOURE, Essayeuse des Matières d'or, agissant sur ordre de Monsieur le Directeur National Adjoint de la Géologie et des Mines, déclarons par la présente avoir procédé ce jour 27 novembre 2007 au contrôle de pierres naturelles par les méthodes Usuelles (Optiques et densimétriques) de 31 (trente une) pierres d'un poids total de 61,42 carats, dont les caractéristiques ci-après définies, et destiné à l'exportation.

Caractéristiques de la substance :

Désignation	:	Pierres naturelles à l'Etat brut
Nature	:	Carbone
Habitus	:	Prismatique
Teintes	:	Brun-blanc
Réfringence	:	Translucide
Poids	:	61,42 carats
Destination	:	Belgique

Annex III

Invoice number 09/Dr/11/07 dated 29 November 2007

Boubacar CAMARA
Commerçant
Grande mosquée
BP E 72
Bamako – Mali

Bamako le 29 Novembre 2007

FACTURE N°09/Dr/11/07

Doit : Diamaxx nv Mechelsesteenweg 203 Anvers 2018 Belgique.

Rubriques Quantité	Coût Unitaire En FCFA	Total en carats	Montant en Francs CFA
Achat de pierres 31	142.462	61.42	8 750 000
	TOTAL		8 750 000

Arrêté la présente facture à la somme de : *Huit millions sept cent cinquante francs CFA.*

Le Directeur

BC... NI
GRANDE MOSQUEE
BPE72 BKO-MALI

Pour Acquit

BOU... CAMARA
COMMERCANT
GRANDE MOSQUEE
BPE72 BKO-MALI

Annex IV

Certificate of origin dated 29 November 2007

Boubacar CAMARA
Commerçant
Grande Mosquée
BP E 72
Bamako Mali

CERTFICAT D'ORIGINE N° 09/Dr/11/07

De trente et une pierres d'un poids total de 61,42 carats, de pierres naturelles à l'état brut.

Je soussigné Boubacar CAMARA, commerçant exportateur d'or et de substances minérales, agrée par arrêté N° 1530 MIC-SG du 18 juillet 2007, declare par le present certificat. Avoir procede ce jour 29 novembre 2007, à l'analyse préliminaire suivante :

Caracteristiques de la substance :

Désignation	**: pierres naturelles à l'état brut**
Nature	**: carbone**
Provenance	**: Kénieba (région de Kayes)**
Habitus	**: prismatique**
Teintes	**: brun-blanc**
Refringence	**: translucide**
Poids	**: 61,42 carats**
Destination	**: Europe**

E 632.

Résultats de l'analyse

Suivant les méthodes d'essai utilisées, et les regles de cet art, il a résulte de notre contrôle, que les matières soumises à notre appréciation sont des gemmes, de la région de Kayes, provenant des transformations de carbone ne renfermant aucune matière toxique ou explosive

En foi de quoi, je délivre le présent certificat d'origine, pour servir et valoir ce que de droit.

L'exportateur p/o

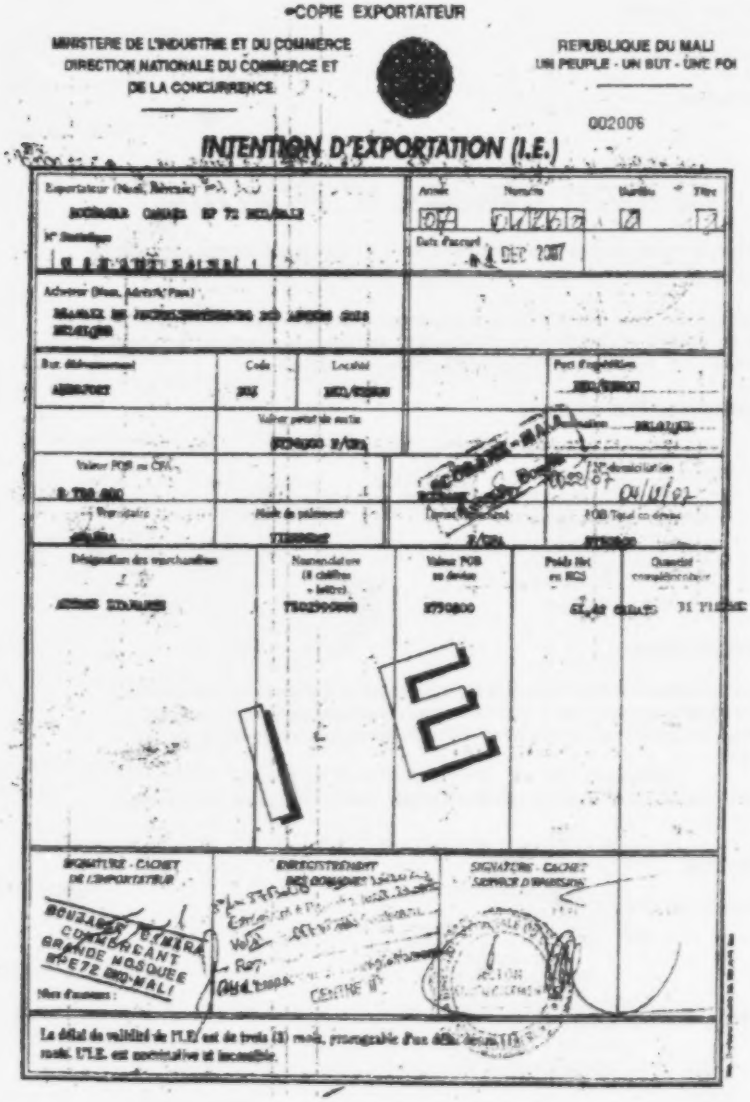
Boubacar CAMARA

BOUBACAR S. KARA
COMMERCANT
GRANDE MOSQUEE
BPE 72 BKO-MALI

Bamako le 29 novembre 2007.

Annex V

Export intention form for 61.42 carats of rough diamonds in the name of Boubacar Camara, to Diamaxx in Belgium



COPIE EXPORTATEUR

MINISTERE DE L'INDUSTRIE ET DU COMMERCE
DIRECTION NATIONALE DU COMMERCE ET
DE LA CONCURRENCE

REPUBLIQUE DU MALI
UN PEUPLE - UN BUT - UNE FOI

002006

INTENTION D'EXPORTATION (I.E.)

DEC 2007

04/12/07

BOUBACAR CAMARA
COMMERCANT
GRANDE MOSQUEE
BP 672 BKO-MALI

CENTRE II

Le délai de validité de l'I.E. est de trois (3) mois, prorogeable d'un délai [illegible]
mois. L'I.E. est nominative et incessible.

Annex VI

Invoice for 2,523.31 carats of gemstones, valued at $356,669.86, recovered from Alon Avraham by the Malian Customs at the Bamako airport in December 2007

MALI MINING INTERNATIONAL
IMPORT – EXPORT
BP. 1876[illegible]
TEL. [illegible]78 [illegible]23
Bamako – République du Mali

Bamako, le 04 Décembre 2007

FACTURE N° 01 / 12 / 2007

DOIT : SILVER LINE TRADING

Quantité	Désignation	P.Unitaire	Montant
2523,31	GEM STONE CARAT	141,35 $	356.669,86 $
		TOTAL :	356.669,86 $

Arrêter la présente facture à la somme de : TROIS CENT CINQUANTE SIX MILLE SIX CENT SOIXANTE NEUF VIRGULE QUATRE VINGT SIX DOLLARS.

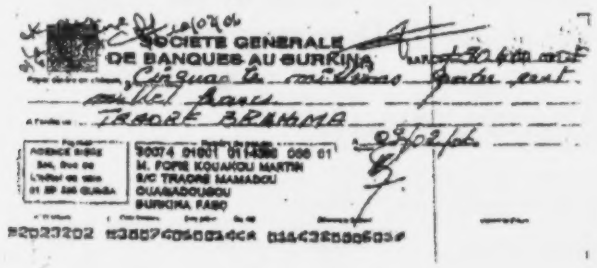
POUR ACQUIT

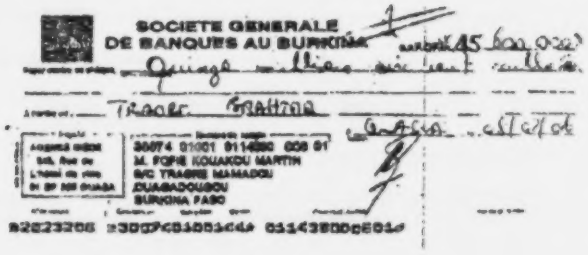
[illegible]

[illegible]

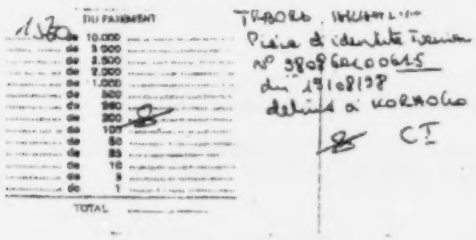
Annex VII

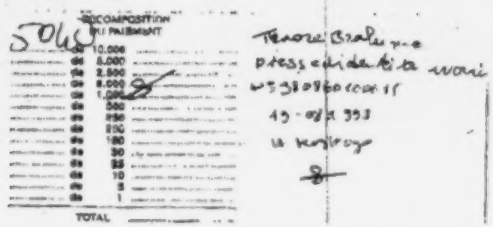
Withdrawals in February 2006 by Martin Kouakou Fofié





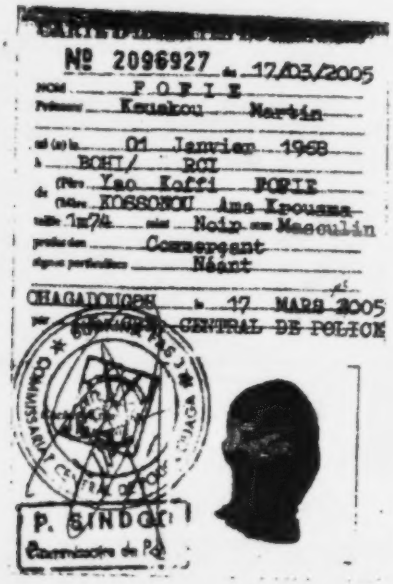
Documents showing Brahima Traoré name, signature and Ivorian identity card number on cast withdrawal documents of SGBB, Ouagadougou





Annex VIII

Burkina Faso identity card No. 2096927 of Martin Kouakou Fofié



Nº 2096927 du 17/03/2005

NOM FOFIE

Prénom(s) Kouakou Martin

né(e) le 01 Janvier 1968

à BOHI/ RCI

de (Père) Yao Koffi FOFIE

(Mère) KOSSONOU Ama Ipousma

taille 1m74 sexe Noir ou Masculin

profession Commerçant

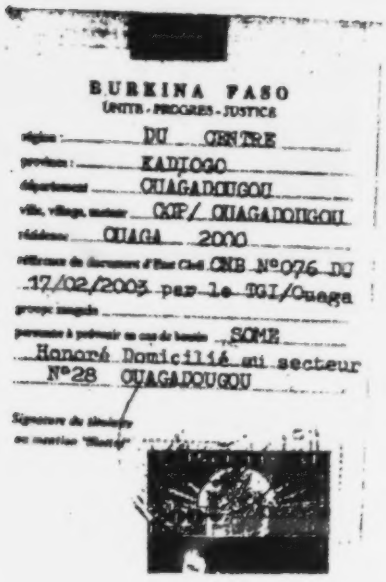
signes particuliers Néant

OUAGADOUGOU le 17 MARS 2005

par COMMISSARIAT CENTRAL DE POLICE

P. SINDOU

Commissaire de Pol



BURKINA FASO

UNITE - PROGRES - JUSTICE

région DU CENTRE

province KADIOGO

département OUAGADOUGOU

ville, village, secteur COF/ OUAGADOUGOU

résidence OUAGA 2000

référence de l'acte de naissance ou Carte Consulaire CNIB Nº076 DU 17/02/2003 par le TGI/Ouaga

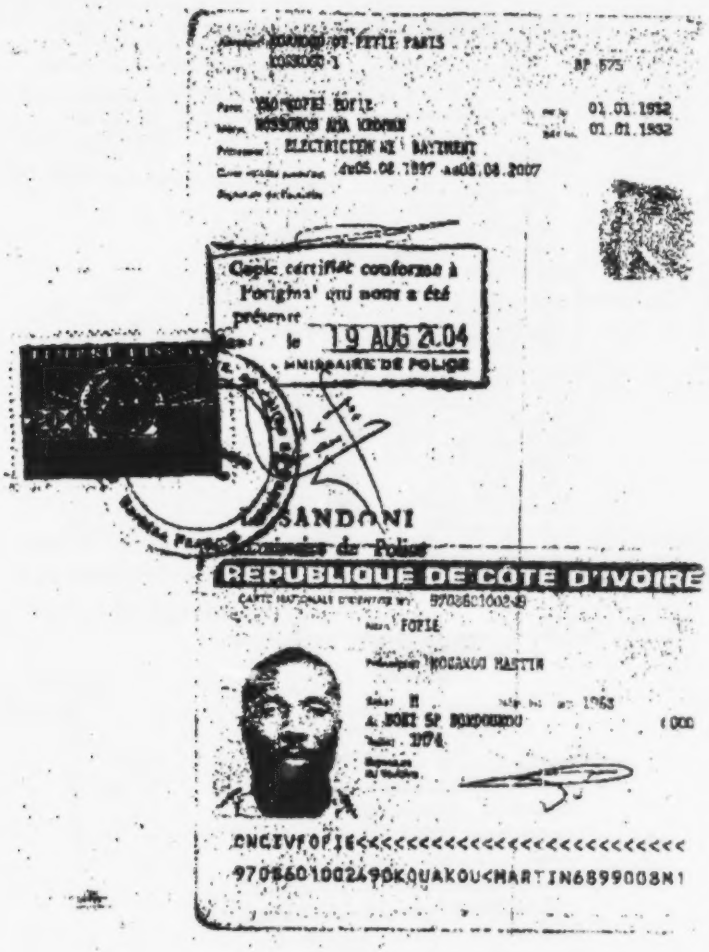
groupe sanguin

personne à prévenir en cas de besoin SOME Honoré Domicilié au secteur Nº28 OUAGADOUGOU

Signature du titulaire ou mention "illettré"

Annex IX

Côte d'Ivoire identity card No. 970860100249 of Martin Kouakou Fofié



Annex X

Withdrawals on 25 August 2006 by Martin Kouakou Fofié